

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

January 16, 2018

Elisabeth A. Shumaker
Clerk of Court

STELLA DAWN MENDOZA,

Plaintiff - Appellant,

v.

DONALD JOHN TRUMP; MELANIA TRUMP; IVANKA TRUMP; ERIC TRUMP; DONALD TRUMP, JR.; IVANA TRUMP; TIFF; JARED KUSHNER; MESA COUNTY DISTRICT ATTORNEY; MESA COUNTY CLERK TO THE BOARD; MESA COUNTY ANIMAL CONTROL; MESA COUNTY ROAD & BRIDGE SERVICES; COLORADO LEGAL SERVICES; MESA COUNTY CRIMINAL JUSTICE; COLORADO STATE LIBRARY AND ADULTS EDUCATION; COLORADO VIRTUAL LIBRARY; THE DENVER BRONCOS NFL TEAM; THE DENVER NUGGETS BALL TEAM; THE COLORADO BASEBALL TEAM; THE COLORADO AVALANCHE-HOCKEY TEAM; THE COLORADO ROCKIES-SOCCER TEAM; LEAH AVILA LEGAL ASSISTANCE (ASSIST) OFFICE OF LEGAL SERVICES; ELISHA HOLMES; PRISCILLA HOPKINS, Principal of DPS; JOHN ELWAY; LADAWN BAITY, Instructional/Superintendent; MICHAEL EATON, Chief Department of Safety; CLIFFORD PAINE, Sergeant Department of Safety; THERESA BECKER, Director of Family (Constituency); US HEALTH AND HUMAN SERVICES; US FEDERAL GOVERNMENT FUNDING PROGRAMS, Catalog of federal domestic;

No. 17-1386
(D.C. No. 1:17-CV-02390-LTB)
(D. Colo.)

ALL LOCATIONS OF MCHD;
CAROLYN BARR; DENVER HEALTH
EMS EDUCATION; SOCIAL SECURITY
ADMINISTRATION; UNITED STATES
SENTENCING COMMISSION; BETH
HINOTE; MATTEW A. HOWE; ALLIED
UNIVERSAL; DENVER PROBATION
DEPARTMENT; ASHLEY MAUGHN;
ALL EXTRA SPACE STORAGE
CORPORATE HEADQUARTERS; HSS
SECURITY; DENVER HEALTH
PARAMEDICS DIVISION; ANDREA
EDDY; TERI CUEVA; YASMIN
MAURCIO; CLARRISE GONZALES,
Honorable Judge; ADDY DEMASSE;
THE MESA COUNTY CORNER'S
OFFICE; HEATHER BENJAMIN, Mesa
County; VALERIE ROBINSON,
Honorable; WILLIAM W. HOOD, III;
COLORADO SUPREME COURT; ALL
US SUPREME COURTS; ALL US
DISTRICT COURTS; ALL US FEDERAL
COURTS; CYNTHIA COFFMAN;
KELLY ARNESTA; GREGORY
SMETHERS, Lt., D.O.C. @ Buena Vista
Colorado; UNITED STATES CONGRESS
HOUSE; UNITED STATES SENATE;
UNITED STATES HOUSE OF
REPRESENTATIVES; ALL US
REPUBLICAN PARTY; REPUBLICAN
NATION COMMITTEE; ALL UNITED
STATES OF AMERICA DEPARTMENT
OF CORRECTIONS; MICHAEL
BENNET, (D) Colorado; CORY
GARNER, (R) Colorado; MESA
COUNTY ASSESSOR GRAND
JUNCTION POLICE DEPARTMENT;
MESA COUNTY CENTRAL SERVICES;
MESA COUNTY PROBATION OFFICE;
JEFFERSON COUNTY DIVISION OF
CHILDREN, YOUTH AND FAMILIES;
CHRISTINA MITTS; LAURA LOCKE;
WARREN EDSON; MELANIE JORDAN;

STACEY E. NICKOLAUS; ELISHA HOLMES; AMERICAN CIVIL LIBERTIES UNION; CATHOLIC IMMIGRATION SERVICES; COLORADO BAR ASSOCIATION WEBS; COLORADO LEGAL SERVICES; THE LEGAL CENTER, (physically challenged only); LAW LINE 9, @ 303-698-8000; METROPOLITAN LAWYER REFERRAL SERVICE; DENVER POLICE DEPARTMENT; DENVER HEALTH AND MEDICAL CENTERS; HSS SECURITY; TRAVELERS INN; VAN CISE-SIMONET DETENTION CENTER; DENVER HUMAN SERVICES; PSYCHIATRY AND BEHAVIORIAL SCIENCES AT CHILDREN'S HOSPITAL; COLORADO STATE CAPITAL; US SOCIAL SECURITY ADMINISTRATION; RALPH CARR, Judicial Center; STATE COURT ADMINISTRATOR; US BANKRUPTCY COURT; BRUCE CAMPBELL; TENTH CIRCUIT COURT OF APPEALS; EL PASO COUNTY COMBINED COURT; COLORADO SUPREME COURT; U.S. COURT SERVICES; ALL LOCATIONS OF MENTAL HEALTH CENTER, All Employees all terminated as well as prisoners; CARL R. CLARK, Trustee, MD President and CEO; DAVID GENOVA; FORREST M. CARSON, PHD, Vice President and CEO; ROY ROMER, Governor; BILL OWENS; JOHN HICKENLOOPER; RESTAURANT DEPOT; GODSMAN ELEMENTARY SCHOOL; HARRIS PARK ELEMENTARY; THE EARLY CHILDHOOD CENTER; ALL UNITED STATES CITY, STATE, FEDERAL ATTORNEYS; ALL UNITED STATES CITY, STATE, AND FEDERAL

JUDGES; DENVER PUBLIC SCHOOLS;
ADAMS COUNTY PUBLIC SCHOOLS
50; DENVER COUNTY JAIL;
LAKEWOOD POLICE DEPARTMENT;
UNITED STATES MARSHAL SERVICE;
COLORADO DIVISION OF
HOMELAND SECURITY AND
MANAGEMENT; WHEATRIDGE
POLICE DEPARTMENT; LINDSEY-
FLANIGAN COURTHOUSE; DENVER
COUNTY COURT BUILDING; ADAMS
COUNTY HUMAN SERVICES;
DENVER COUNTY SHERIFF'S
DEPARTMENT; THE OFFICE OF
JUSTICE PROGRAMS, (OJP) All
National closed, detained; OFFICE OF
COMMUNITY ORIENTED POLICING
SERVICES, (COPS), All National closed,
Detained; JEFFREY P. COLWELL;
LEWIS T. BABOCK; GORDAN P.
GALLAGHER, Judge; MARIA DE JESUS
MENDOZA-TORRES; ARCELI
ZAMORA REZA; CRISTINA DE LA
PONCE, DMV of Colorado; SAN
JUANITA VALLES LOPEZ; LUZ
REYES; ELIZABETH RIVERA; SILVA
RIVERA; LARA SANJUANA,

Defendants - Appellees.

**ORDER DENYING LEAVE TO APPEAL
WITHOUT PREPAYMENT OF FEES***

Before **BRISCOE, HARTZ**, and **BACHARACH**, Circuit Judges.

* This order is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.

Plaintiff Stella Dawn Mendoza, appearing *pro se*, has filed a motion with this court seeking leave to proceed *in forma pauperis* on appeal. We deny Mendoza's motion and dismiss the appeal.

I

On October 3, 2017, Mendoza filed a *pro se* complaint listing herself, Manuel Angel Rivera, "C.S.M." and "A.R.M." as plaintiffs. ROA, Vol. 1 at 14. The complaint listed as defendants Donald Trump and various members of his family, an assortment of federal and state entities, agencies and employees, and various private entities and individuals. In a section of the complaint form that asked her to briefly state the background of her case, Mendoza responded as follows:

As of September 14, 2016, I have nonprotection
against corruption of blood, Dissection, Law of Nations,
Laceny [sic].

All US Courts have violated subornation of perjury,
counterfeiting.

All US Gov Employee [sic] have committed Act or
behavior that gravely violates the sentiment or accepted
Standard of the community.

Crimes Against Persons to Stella Dawn Mendoza;
Crimes Against Property.

Integrity [sic] of the judicial process.

Crimes Against Plaintiffs: A.R.M. & C.S.M. Manuel
Angel Rivera & 108933#

Id. at 24-25. The complaint proceeded to list three separate claims for relief, but each is nonsensical. Finally, in a section of the complaint entitled "REQUEST FOR RELIEF," Mendoza stated:

Asking/Requesting: The property of 875 Mariposa
Street, Denver Colorado 80204 w/ Attached of the title

property deed all transfed [sic] to Stella Dawn Mendoza As of September 29, 2017

I Am Requesting to/and for the Impeachment as well ASAP to detaining As The 45th president of the United State [sic] of America Federal Government Employee. As well A.S.A.P to detaining the Administration of Donald Trump. I Am Also requesting of A [sic] Office Reinstatement employees Barack Hussein Obama and Joseph Biden

A.S.A.P. of the impeachment and Arrest John Trump Administrations

* All 15 US Department [sic] Closed Detained

* And Request of Sibling/Son Manuel Angel Rivera to be Released from the crime and Sentencing of December 22 2010 Sentencing in Mesa County, Colorado with a crime of no evidence/no determination D.O.C. 108933.

Id. at 28.

On October 6, 2017, the district court issued an order directing the clerk of the district court to dismiss the action. The district court noted at the outset of its order that in an earlier civil case, Mendoza had been sanctioned and “enjoined from filing *pro se* lawsuits in this Court without first obtaining leave of court to proceed *pro se*.” Id. at 57. The district court in turn noted that “Mendoza ha[d] not submitted all of the required documents” to obtain permission to proceed *pro se* and “ha[d] not provided all of the information specified in the sanction order.” Id. at 58. The district court also noted that Mendoza had asserted claims in the complaint on behalf of other individuals (specifically Manuel Angel Rivera and “C.S.M.” and “A.R.M.”), yet was “the only purported plaintiff to have signed the Complaint.” Id. Ultimately, the district court ordered that the complaint and action be “dismissed without prejudice for failure to comply with the

sanction order restricting . . . Mendoza’s ability to file *pro se* actions in this Court.” Id. at 59. The district court also “certifie[d] pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from [its] Order [wa]s not taken in good faith” and it therefore denied Mendoza leave to proceed *in forma pauperis* on appeal. Id.

Final judgment in the case was entered on October 6, 2017. Mendoza filed a notice of appeal on October 27, 2017. She has since filed with this court a motion for leave to proceed *in forma pauperis* on appeal.

II

Where, as here, an appellant seeks leave to proceed *in forma pauperis* on appeal, we have authority to deny that request and dismiss the appeal without reaching the merits. See Hunt v. Downing, 112 F.3d 452, 453 (10th Cir. 1997). Under 28 U.S.C. § 1915(e)(2)(B)(i), the “court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . is frivolous.” We have long held that “[a]n appeal is frivolous when the result is obvious, or the appellant’s arguments of error are wholly without merit.” Olson v. Coleman, 997 F.2d 726, 728 (10th Cir. 1993) (quotation marks omitted).

Having reviewed the record on appeal, including Mendoza’s complaint, as well as her appellate brief, we conclude that her appeal is indeed frivolous. Both the complaint and Mendoza’s appellate brief, even liberally construed, are simply nonsensical and fail to allege valid claims for relief against any of the named defendants.

Mendoza's motion for leave to proceed *in forma pauperis* on appeal is DENIED
and the appeal is DISMISSED.

Entered for the Court

Mary Beck Briscoe
Circuit Judge