

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 19, 2019

Elisabeth A. Shumaker
Clerk of Court

ANTHONY EARL RIDLEY,

Plaintiff - Appellant,

v.

BOARD OF SEDGWICK COUNTY
COMMISSIONERS; JEFF EASTER,
Sheriff, Sedgwick County Sheriff's Office;
COUNTY OF SEDGWICK; SAM
BROWNBACK; GOVERNOR
CONSTITUENT SERVICES OFFICE;
STATE OF KANSAS; SANDI (LNU),
Chaplain; (FNU) KASPER, Chaplain,

Defendants - Appellees.

No. 19-3104
(D.C. No. 5:18-CV-03097-SAC)
(D. Kan.)

ORDER AND JUDGMENT*

Before **CARSON, BALDOCK, and MURPHY**, Circuit Judges.

Anthony Earl Ridley, proceeding pro se, appeals from the district court's May 8, 2019 Order denying his "Motion for Partial Reconsideration." The district court correctly construed this motion as seeking relief under Fed. R. Civ. P. 60(b). This

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

court reviews for abuse of discretion an order of the district court denying relief under Rule 60(b). *Walters v. Wal-Mart Stores, Inc.*, 703 F.3d 1167, 1172 (10th Cir. 2013). “Relief under Rule 60(b) . . . is extraordinary and may only be granted in exceptional circumstances.” *Yapp v. Excel Corp.*, 186 F.3d 1222, 1231 (10th Cir. 1999) (quotation omitted).

Ridley’s frivolous appellate filings do not come close to demonstrating the kind of extraordinary circumstances necessary to obtain Rule 60(b) relief. Instead, as aptly noted by the district court, the relevant Motion was merely one of many such motions seeking to relitigate the case after the district court entered an order dismissing Ridley’s amended complaint. That being the case, Ridley has utterly failed to demonstrate the district court abused its discretion in denying the Motion. Accordingly, Ridley’s appeal is hereby **DISMISSED**. *See* 28 U.S.C. § 1915(e)(2)(B)(ii). Our dismissal of Ridley’s appeal on the ground it is frivolous, when coupled with other strikes Ridley has accrued, means he is subject to the limitations on proceeding in forma pauperis set out in 28 U.S.C. § 1915(g). That is, absent a showing he is “under imminent danger of serious physical injury,” Ridley is precluded from bring a civil action or appeal in forma pauperis. In light of this court’s dismissal of Ridley’s appeal, his “Motion for Temporary Restraining Order

and Preliminary Injunction” is **DENIED** as moot.

Entered for the Court

Michael R. Murphy
Circuit Judge