

UNITED STATES COURT OF APPEALS December 14, 2021

TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

SU LEE, also known as Sunam Lee,

Plaintiff - Appellant,

v.

NO NAMED DEFENDANT,

Defendant - Appellee.

No. 21-1308

D.C. No. 1:21-CV-01633-LTB

(D. Colo.)

ORDER AND JUDGMENT*

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

After examining the appellate briefs and the appellate record, this court has unanimously concluded that oral argument would not materially assist 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.

Proceeding *pro se*, Su Lee appeals the district court's dismissal of the employment action she ostensibly brought against her former employer, Target

*This order and judgment is not binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel.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

Corporation. The initial document Lee filed with the district court was in letter form with multiple attachments. In the letter, she asked the district court if it would “help [her] to look over the case” she presented to the EEOC. In an abundance of caution, the district court assigned a case number to Lee’s filing and ordered her to submit (1) a motion and affidavit pursuant to 28 U.S.C. § 1915 and (2) an employment discrimination complaint on the appropriate form.¹ When Lee failed to comply with the court’s order, the matter was dismissed without prejudice.

After the dismissal of her action, Lee filed a document titled, “Appeal Letter,” in which she asked the district court for additional time so she could speak with an attorney about her case. The court construed the document as a motion for reconsideration and denied it, concluding Lee’s explanation of her efforts to work with the Federal Pro Se Clinic did not excuse her failure to communicate with the court in a timely manner.

Lee timely appealed to this court. In her opening brief, she summarizes her treatment by her former employer but does not set out a single appellate issue.²

¹As the district court noted, it is unclear from the documents Lee filed whether she is even raising federal claims.

²In addition to the statement of the case, Lee only completed two additional sections of the appellate form. In answer to the question of what relief she was seeking on appeal, she stated: “I believe EEO didn’t look at my supporting document thoroughly and closed my case. Would you please look at my

(continued...)

Even though this court construes the arguments of a pro se litigant liberally, Lee's appellate brief contains *no* argument explaining how the district court erred by dismissing her action without prejudice and denying her motion for reconsideration.

This court reviews dismissals pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for an abuse of discretion. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 (10th Cir. 2003). Having reviewed the entire record on appeal, we discern no abuse of discretion in how the district court handled this matter. Accordingly, the dismissal of Lee's case without prejudice is **affirmed**.

ENTERED FOR THE COURT

Michael R. Murphy
Circuit Judge

²(...continued)
supporting documents? My supporting document is too many pages but I can bring it to you?" In response to the question of whether oral argument is requested, Lee stated: "There are a lot of information I can explain better personally if that is allowed."