

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 3, 2026

Christopher M. Wolpert
Clerk of Court

JOSHUA D. HOLLERS,

Plaintiff - Appellant,

v.

ERICA BAKER, in her individual and
official capacities, JANE AND JOHN
DOES in their individual and official
capacities, SIERRA COUNTY
MAGISTRATE COURT and NEW
MEXICO STATE PARKS,

Defendants - Appellees.

No. 25-2098
(D.C. No. 2:25-CV-00378-KWR-JHR)
(D. N.M.)

ORDER AND JUDGMENT*

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

Mr. Joshua D. Hollers, appearing pro se, appeals the district court's dismissal of his civil rights action and its denial of his post-judgment motions. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

I. Background

Mr. Hollers is a former employee of defendant New Mexico State Parks (“NMSP”). In his initial complaint, filed pursuant to 42 U.S.C. § 1983 and the New Mexico Civil Rights Act, he alleged that an NMSP ranger, defendant Erica Baker, issued him a citation “without investigation, evidence, or probable cause,” R. vol. 1 at 7. He also alleged that defendant Sierra County Magistrate Court (“Magistrate Court”) and defendants Jane and John Does, who are Magistrate Court personnel, violated his civil rights during court proceedings. Mr. Hollers named the individual defendants in their individual and official capacities. He sought monetary damages, “injunctive relief restraining further prosecution or enforcement of the underlying criminal matter,” a declaration that the “procedural defects, constitutional violations, and jurisdictional errors” are “unlawful,” and an investigation into defendants’ conduct. *Id.* at 11. He also requested leave to proceed in forma pauperis (“IFP”).

The assigned magistrate judge reviewed the complaint and identified several deficiencies:

- Eleventh Amendment immunity might bar the claims against NMSP, the Magistrate Court, and Ms. Baker in her official capacity;
- § 1983 prohibits injunctive relief against the Jane and John Doe defendants for acts taken in their capacity as judicial officers “unless a declaratory decree was violated or declaratory relief was unavailable,” § 1983;
- the Jane and John Does, either as judicial officers or non-judicial officers with an integral relationship with the judicial process, might have judicial immunity from suit for money damages in their official and individual capacities;

- the complaint failed to state a claim against Ms. Baker in her individual capacity because Mr. Hollers pleaded no facts plausibly demonstrating why probable cause to issue the citation was lacking;
- many of the claims could be barred by the abstention doctrine set out in *Younger v. Harris*, 401 U.S. 37 (1971);¹ and
- the Anti-Injunction Act, 28 U.S.C. § 2283, might prevent the court from restraining the state prosecution.

The magistrate judge therefore ordered Mr. Hollers to show cause why the court should not dismiss his case and to file an amended complaint.

Mr. Hollers filed a combined response and amended complaint. The district court concluded that Mr. Hollers failed to cure the deficiencies and dismissed the case without prejudice. The court also denied Mr. Hollers's IFP motion, a motion to compel production, and motions for appointment of counsel, a preliminary injunction, summary judgment, and sanctions for spoliation.

Mr. Hollers filed two motions for relief pursuant to Federal Rule of Civil Procedure 60(b), several other motions, and an objection. The district court denied all of these motions and overruled the objection.

Next, Mr. Hollers filed a motion to stay the dismissal, which the district court denied. He then filed four notices and a supplemental memorandum. The district court considered these filings unwarranted under the rules of procedure and notified

¹ The magistrate judge also informed Mr. Hollers that his claims might be barred by the *Rooker-Feldman* doctrine. See *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923); *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983). But in dismissing the case, the district court did not rely on the *Rooker-Feldman* doctrine, so we need not address Mr. Hollers's arguments concerning that doctrine.

Mr. Hollers that if he continued to file such documents, the court might impose filing restrictions.

Mr. Hollers timely appealed.²

II. Discussion

A. Standard of review

A district court has a screening function for IFP cases under 28 U.S.C. § 1915(e)(2)(B). *Kay v. Bemis*, 500 F.3d 1214, 1217 (10th Cir. 2007). That statute requires a district court to dismiss an action in which a litigant seeks to proceed IFP “at any time if the court determines that” the action “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” § 1915(e)(2)(B); *see also Salgado-Toribio v. Holder*, 713 F.3d 1267, 1270 (10th Cir. 2013) (§ 1915(e) screening applies to all litigants proceeding IFP).

We construe the district court’s dismissal of Mr. Hollers’s action as pursuant to its § 1915(e)(2) screening function. *See* R. vol. 1 at 2, Dkt. No. 2 (indicating that the magistrate judge was “assigned for a 28 U.S.C. [§] 1915 review”). More specifically, we construe the dismissal as pursuant to § 1915(e)(2)(B)(ii) for failure

² In another matter filed in this court, a panel of judges construed Mr. Hollers’s petition for a writ of mandamus as a misdirected but timely notice of appeal from the district court’s denial of his Rule 60(b) motions in this case. Because Mr. Hollers filed his Rule 60(b) motions within the time allowed for filing a motion under Federal Rule of Civil Procedure 59, that notice of appeal also encompasses the final judgment. *See* Fed. R. App. P. 3(c)(5)(B); Fed. R. App. P. 4(a)(4)(A)(vi); Fed. R. Civ. P. 59(b), (e).

to state a claim for relief, and to § 1915(e)(2)(B)(iii) based on Eleventh Amendment and judicial immunity. Thus, our review is de novo. *See Kay*, 500 F.3d at 1217 (dismissals under § 1915(e)(2)(B)(ii)); *Collins v. Daniels*, 916 F.3d 1302, 1315 (10th Cir. 2019) (dismissals based on Eleventh Amendment and judicial immunity).

Mr. Hollers's Rule 60(b) motions rested on Rule 60(b)(1), (b)(3), and (b)(6). To the extent he challenges those rulings, our review is for an abuse of discretion. *See Lebahn v. Owens*, 813 F.3d 1300, 1305 (10th Cir. 2016) (Rule 60(b)(1)); *Thomas v. Parker*, 609 F.3d 1114, 1119 (10th Cir. 2010) (Rule 60(b)(3)); *Johnson v. Spencer*, 950 F.3d 680, 701 (10th Cir. 2020) (Rule 60(b)(6)).

Because Mr. Hollers is pro se, we construe his filings liberally, but we cannot act as his advocate. *See Yang v. Archuleta*, 525 F.3d 925, 927 n.1 (10th Cir. 2008).

B. Record on appeal

We first address Mr. Hollers's argument that the record on appeal is incomplete. He claims the record omits district court docket entries 18, 22, and 26, and therefore we cannot conduct a proper review without vacating the district court's rulings and remanding so the district court can "restore the record," Apl't. Br. at 43. We disagree. In a pro se appeal, this "court prepares and docket[s]" the "record on appeal." 10th Cir. R. 10.1. Docket entry 18 is part of the record on appeal as initially compiled by the court. *See R. vol. 3* (sealed). And although docket entries 22 and 26 were initially omitted from the record on appeal, the court has now prepared and docketed a supplemental record on appeal that includes those entries and others we have considered in resolving this appeal. To the extent Mr. Hollers's

arguments regarding the record implicate the district court's denial of his Rule 60(b) and other post-judgment motions, we reject them.

C. Propriety of show-cause order

We next address Mr. Hollers's argument that it was improper for the district court to require him to overcome Eleventh Amendment immunity, judicial immunity, *Younger* abstention, and the Anti-Injunction Act. He claims that at the pleading and screening stage, he only had to allege facts that state a plausible claim for relief, not "disprove defenses the State has never asserted." Apl't. Br. at 30. He also claims the district court erred when it denied as moot his motions seeking sanctions for spoliation of evidence in the state case. We are not persuaded.

As part of the § 1915 screening process, a district court may dismiss a claim based on an affirmative defense if "the claim's factual backdrop clearly beckons the defense." *Trujillo v. Williams*, 465 F.3d 1210, 1217 (10th Cir. 2006) (internal quotation marks omitted). This case is one such instance. Moreover, in addition to this overarching authority to consider sua sponte dismissal for any of the reasons listed in § 1915(e)(2), it is well established that courts may sua sponte dismiss claims or actions where Eleventh Amendment immunity, judicial immunity, or *Younger* abstention applies. See *United States ex rel. Burlbaw v. Orenduff*, 548 F.3d 931, 942 (10th Cir. 2008) ("[A] court may raise the issue of Eleventh-Amendment immunity sua sponte but, unlike subject-matter jurisdiction, it is not obligated to do so."); *Andrews v. Heaton*, 483 F.3d 1070, 1074 & n.2 (10th Cir. 2007) (recognizing that a district court may sua sponte dismiss claims on the ground of judicial

immunity); *Morrow v. Winslow*, 94 F.3d 1386, 1390–91 (10th Cir. 1996) (concluding that courts may raise *Younger* abstention sua sponte).

Mr. Hollers’s reliance on *In re Winship*, 397 U.S. 358 (1970), and *Mullaney v. Wilbur*, 421 U.S. 684 (1975), is of no avail. Each case involved whether the prosecution in a criminal case had the burden to prove guilt beyond a reasonable doubt. *See In re Winship*, 397 U.S. at 368 (holding that “where a 12-year-old child is charged with an act of stealing which renders him liable to confinement for as long as six years, then, as a matter of due process the case against him must be proved beyond a reasonable doubt” (alteration and internal quotation marks omitted)); *Mullaney*, 421 U.S. at 704 (holding that “the Due Process Clause requires the prosecution to prove beyond a reasonable doubt the absence of the heat of passion on sudden provocation when the issue is properly presented in a homicide case”). In contrast, Mr. Hollers’s case is a civil case subject to § 1915(e)’s screening function. Neither *Winship* nor *Mullaney* has any application here.

In sum, we conclude it was not improper for the magistrate judge, prior to service on the defendants, to require Mr. Hollers to show cause why his complaint should not be dismissed, and then for the district court to dismiss his action when he failed to show cause. Consequently, the district court did not err in summarily denying Mr. Hollers’s motion for spoliation sanctions despite that none of the defendants ever appeared in this case.

D. Merits of dismissal ruling

We now turn to Mr. Hollers’s arguments regarding the grounds on which the district court based its dismissal of the action.

1. Failure to state a claim for relief

In his original complaint, Mr. Hollers asserted a claim titled “Malicious Prosecution” alleging that “[d]efendants commenced and pursued criminal charges with no probable cause, rooted in retaliatory motives tied to prior employment and whistleblower abuse conduct.” R. vol. 1 at 9 (boldface omitted). As noted, in the show-cause order, the magistrate judge informed Mr. Hollers that his original complaint failed to state a claim on which relief could be granted against Ms. Baker in her individual capacity “because there are no specific facts that plausibly show why probable cause was absent.” Suppl. R. at 14; *see Coones v. Bd. of Cnty. Comm’rs*, 166 F.4th 1, 25 (10th Cir. 2026) (one element of a § 1983 malicious prosecution claim is lack of probable cause). Ostensibly addressing that deficiency, the district court concluded in its dismissal order that Mr. Hollers’s amended complaint “fail[ed] to state claims against each of the Defendants” because the factual allegations were insufficient. R. vol. 1 at 33.

We agree with the district court regarding the malicious prosecution claim against Ms. Baker in her individual capacity. When reviewing a dismissal under § 1915(e)(2)(B)(ii) for failure to state a claim, we apply the same standard for motions to dismiss under Federal Rule of Civil Procedure 12(b)(6). *Kay v. Bemis*, 500 F.3d 1214, 1217 (10th Cir. 2007). So we review the complaint to see if it

contains “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *VDARE Found. v. City of Colo. Springs*, 11 F.4th 1151, 1158 (10th Cir. 2021) (internal quotation marks omitted). “A claim has facial plausibility if the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* (internal quotation marks omitted). We accept as true “well-pleaded factual allegations,” but we “need not accept conclusory allegations without supporting factual averments.” *Id.* at 1159 (internal quotation marks omitted).

To determine whether Mr. Hollers stated a plausible claim, we look to his amended complaint because “an amended complaint supersedes a prior complaint and renders it of no legal effect.” *Tufaro v. Okla. ex rel. Bd. of Regents of Univ. of Okla.*, 107 F.4th 1121, 1137 (10th Cir. 2024) (brackets and internal quotation marks omitted). The only statement in the amended complaint we might construe as an allegation regarding whether Ms. Baker lacked probable cause is that she “issue[d] citation #75294 (marked ‘Illegal Dumping’) from inside her vehicle.” R. vol. 1 at 21. That is not enough to state a plausible claim of malicious prosecution because it inadequately describes the circumstances and thus provides no context in which to evaluate whether any evidence Ms. Baker may have considered provided probable cause to issue the citation. *See Donahue v. Wihongi*, 948 F.3d 1177, 1189 (10th Cir. 2020) (explaining that “courts assess probable cause from the standpoint of an objectively reasonable police officer under the totality of the circumstances” (internal quotation marks omitted)).

The malicious prosecution claim fails for an additional, independent reason. In his amended complaint, Mr. Hollers stated that “no final judgment has been entered in the underlying state matter.” R. vol. 1 at 18. And in its dismissal order, the district court observed that the state prosecution still had not terminated but was “set for a bench trial . . . in the Magistrate Court.” *Id.* at 36. Thus, Mr. Hollers’s allegations could not have satisfied another element of a malicious prosecution claim—that “the original action terminated in favor of the plaintiff,” *Coones*, 166 F.4th at 25.³

2. Eleventh Amendment immunity

Mr. Hollers argues that, under *Hafer v. Melo*, 502 U.S. 21 (1991), Eleventh Amendment immunity does not apply to the claims against Ms. Baker in her individual capacity. He is correct to cite *Hafer* in support of this principle. *See* 502 U.S. at 30–31 (“[T]he Eleventh Amendment does not erect a barrier against suits to impose individual and personal liability on state officials under § 1983.” (internal quotation marks omitted)). But the district court applied Eleventh Amendment immunity only to the claims against Ms. Baker “in her *official capacity*,” R. vol. 1 at 34 (emphasis added). Consequently, this argument is without merit.

Mr. Hollers advances no argument that the district court erred in concluding that Eleventh Amendment immunity barred his claims against Ms. Baker in her

³ Because other grounds support the district court’s dismissal of all other claims, we need not address any of Mr. Hollers’s arguments that suggest his factual allegations were sufficient to state plausible claims for relief other than the malicious prosecution claim against Ms. Baker.

official capacity, the NMSP, or the Magistrate Court. He therefore has waived appellate review of that ruling. *See Sawyers v. Norton*, 962 F.3d 1270, 1286 (10th Cir. 2020) (“Issues not raised in the opening brief are deemed abandoned or waived.” (internal quotation marks omitted)).

3. Judicial immunity

Mr. Hollers contends the district court erred in dismissing the claims against the Jane and John Doe judicial defendants on the ground of judicial immunity. He alleges the state magistrate judge’s “bench-warrant maneuvering, and the [M]agistrate [C]ourt’s use of a void charge and absent prosecutor, were undertaken in a complete absence of jurisdiction and outside any recognizable judicial role.” Aplt. Br. at 59–60 (emphasis omitted). He argues that judicial immunity does not extend to such acts.

The problem for Mr. Hollers is two-fold. First, he never argued in district court that judicial immunity did not apply to the Jane and John Doe defendants. He therefore forfeited this argument. *See United States v. Leffler*, 942 F.3d 1192, 1196 (10th Cir. 2019). And because he has not argued for plain-error review on appeal, he has waived appellate review of this issue. *See id.* Second, his argument on appeal is conclusory and therefore waived. *See Becker v. Kroll*, 494 F.3d 904, 913 n.6 (10th Cir. 2007) (“An issue or argument insufficiently raised in the opening brief is deemed waived.”).

4. *Younger* abstention

Mr. Hollers also argues the district court erred in relying on *Younger* abstention. We disagree.

“Under the *Younger* abstention doctrine, federal courts are to abstain from exercising jurisdiction to interfere with state proceedings when . . . three requirements are met”: (1) there must be “an ongoing state criminal, civil, or administrative proceeding”; (2) the state court must provide “an adequate forum to hear the claims raised in the federal complaint”; and (3) the state proceedings must “involve important state interests, matters which traditionally look to state law for their resolution or implicate separately articulated state policies.” *Winn v. Cook*, 945 F.3d 1253, 1258 (10th Cir. 2019) (internal quotation marks omitted). As he did before the district court, Mr. Hollers contends only that the second of these requirements is not met because the state prosecution against him was “void ab initio for lack of jurisdiction, lawful process, or prosecutorial initiation.” *Aplt. Br.* at 58 (emphasis and internal quotation marks omitted).

Mr. Hollers’s conclusory contentions fail to convince us the district court erred in applying *Younger* abstention. The district court ruled that Mr. Hollers had not shown the state courts were an inadequate forum for the claims raised in his amended complaint because state court records showed his case was set for a bench trial and the Magistrate Court had not yet ruled on ten motions Mr. Hollers had filed. We think the Magistrate Court and any ensuing state appellate process provides an adequate forum for Mr. Hollers to raise his federal claims.

Mr. Hollers faults the district court for not addressing his reliance on *Gibson v. Berryhill*, 411 U.S. 564 (1973), and *Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69 (2013), apparently for their statement that *Younger* requires abstention unless there is “bad faith” or “harassment” in the state court proceedings. *Gibson*, 411 U.S. at 574; *Sprint Commc’ns*, 571 U.S. at 77.⁴ But overcoming *Younger* abstention is a “heavy burden,” requiring more than just allegations. *Phelps v. Hamilton*, 59 F.3d 1058, 1066 (10th Cir. 1995). Mr. Hollers has failed to satisfy that burden because he relied solely on bare allegations of bad faith and harassment, not factual allegations that plausibly suggest bad faith or harassment.

5. Anti-Injunction Act/§ 1983

The Anti-Injunction Act provides that “[a] court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.” 28 U.S.C. § 2283. The district court determined that Mr. Hollers failed to show that any of the three exceptions to the Anti-Injunction Act applied to his case.

Relying on *Mitchum v. Foster*, 407 U.S. 225 (1972), Mr. Hollers argues the Anti-Injunction Act does not bar federal courts from issuing injunctions in § 1983 actions. To be sure, *Mitchum* held that § 1983 is an Act of Congress that falls within § 2283’s “expressly authorized” exception.” *Id.* at 243. But even if the

⁴ These cases recognize two other exceptions to *Younger* abstention, but Mr. Hollers does not invoke those exceptions.

Anti-Injunction Act does not bar Mr. Hollers’s claims for injunctive relief, § 1983 does—it expressly disallows injunctive relief against a judicial officer “for an act or omission taken in such officer’s judicial capacity . . . unless a declaratory decree was violated or declaratory relief was unavailable.” § 1983; *see also Knox v. Bland*, 632 F.3d 1290, 1292 (10th Cir. 2011) (“Although we have previously said that a plaintiff may obtain an injunction against a state judge under . . . § 1983, those statements were abrogated by the Federal Courts Improvement Act of 1996, which provides that ‘injunctive relief against a judicial officer shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.’” (alterations and citations omitted) (quoting § 1983)). Mr. Hollers did not allege that defendants violated a declaratory judgment or that declaratory relief was unavailable. Accordingly, we conclude the district court properly determined that his claims for injunctive relief were barred, but for reasons other than those stated in the dismissal order.⁵ *See GF Gaming Corp. v. City of Black Hawk*, 405 F.3d 876, 882 (10th Cir. 2005) (appellate court may affirm a dismissal order on any ground supported by the record, even grounds not relied on by the district court).

⁵ We note that in the show-cause order, the magistrate judge flagged the requirement to show that § 1983’s prohibition on injunctions against a judicial officer acting under color of state law does not apply, but as part of an analysis of judicial immunity that the district court never reached because Mr. Hollers never addressed judicial immunity in his response to the show-cause order.

E. Other issues

Much of Mr. Hollers's brief attacks the validity of the state prosecution and claims that a bench warrant issued in the state case was void ab initio. But the merits of those issues were never ripe for resolution in the district court because his case was barred by the various principles on which the district court based its dismissal of his claims. Thus, they are not before us on appeal.

Mr. Hollers argues the district court and this court denied him equal access and reasonable accommodation under the Rehabilitation Act (he asserts that he is a disabled veteran) by denying permission to file using the electronic filing system ("ECF"). However, we see no indication in the district court's docket that he ever requested to file electronically. And in the case before us he requested only to be permitted to submit PDF files and to receive notices by email because he "lacked functional ECF." Dkt. No. 3 at 2. But even if he had requested access to the ECF system in either court, it appears he was able to timely access both courts through regular mail, and he has not explained, nor do we see, how access to the ECF system would have altered the outcome in the district court or here. Furthermore, there is no Rehabilitation Act claim in this case.

Mr. Hollers argues the district court did not afford his filings a sufficiently liberal construction. Aplt. Br. at 26–29. He argues that construed with the appropriate amount of liberality, his pleadings show that the state prosecution violated his due process rights and amounts to "malicious prosecution/abuse of process and retaliatory misuse of criminal procedure," and therefore was "structurally

void.” *Id.* at 29 (emphasis omitted). We disagree. Our review satisfies us that the district court afforded Mr. Hollers’s pro se pleadings a sufficiently liberal construction, and no amount of additional liberality could have salvaged Mr. Hollers’s case.

Mr. Hollers contends the district court’s warning that it might impose filing restrictions if he continued filing documents not allowed under governing law was unwarranted because the court made no findings that his litigation conduct was in fact abusive. He also challenges the district court’s order overruling his objection to that warning, claiming the district court signaled that any further attempts to litigate his case were “an annoyance to be suppressed.” *Id.* at 62. We reject these arguments. Although the imposition of filing restrictions requires a court to properly set forth “the litigant’s abusive and lengthy history” and afford him “notice and an opportunity to oppose the court’s [filing-restriction] order before it is instituted,” *Tripathi v. Beaman*, 878 F.2d 351, 353–54 (10th Cir. 1989), the district court did not reach that stage in the process; it merely issued Mr. Hollers a warning. Having reviewed Mr. Hollers’s district-court filings, we cannot say that the district court’s warning was unwarranted or that it was an effort to suppress Mr. Holler’s right to litigate his case.

Finally, Mr. Hollers argues that the district judge was biased against him and that, if we remand, we should vacate the judgment and order reassignment of the case to a different judge. Substantively, Mr. Hollers’s argument fails because he bases his allegation of bias on the district court’s adverse rulings and its allegedly improper

warning regarding filing restrictions. That is not enough. *See Bixler v. Foster*, 596 F.3d 751, 762 (10th Cir. 2010) (“Adverse rulings alone do not demonstrate judicial bias.”). Procedurally, his argument fails because we are affirming the district court’s judgment, not vacating it and remanding.

F. Pending motions (non-IFP)

Mr. Hollers has filed a motion (Dkt. No. 22) asking the court to strike or annotate docket entries 15, 16, and 21, which document that mail the court sent him was returned as undeliverable. We deny that request because the docket entries are accurate. Although Mr. Hollers had notified the court of a change of address in a related mandamus proceeding, he did not notify the court of a change in address in this case until after the court had mailed the documents returned as undeliverable. He also asks that the filings from his prior mandamus proceeding be formally lodged into the record in this case so the record accurately reflects his address history. We deny this request as unnecessary because any problems with his address have been fixed. Last, Mr. Hollers asks that an exhibit to his motion be filed under seal, excluded from the public record, or redacted from publicly available filings in this case because it contains his current mailing address. We deny this request because he has not offered a sufficiently detailed rationale for sealing or otherwise shielding his mailing address from public view.

Mr. Hollers has filed another motion (Dkt. No. 23) with several requests. He asks that the record on appeal be supplemented with documents attached to the motion that concern developments in the Magistrate Court post-dating the filing of

this appeal. We deny this request because generally, our review is limited to the record that was before the district court. *See Regan-Touhy v. Walgreen Co.*, 526 F.3d 641, 648 (10th Cir. 2008). Mr. Hollers asks that we refer the Magistrate Court for sanctions based on its use of an allegedly improper bench warrant. We deny this request because we have no such authority. And Mr. Hollers again asks that his mailing address be kept sealed, excluded from the public record, or redacted from publicly available filings in this case. We deny this request for the reasons stated above.

Finally, Mr. Hollers has filed a renewed request (Dkt. No. 27) to supplement the record with documents from his mandamus proceeding, the documents identified in Dkt. No. 23, and other documents related to his efforts to change his address with the court. We deny this motion for the reasons stated above.

III. Conclusion

We affirm the district court's judgment and its orders denying Mr. Hollers's Rule 60(b) motions.⁶ We grant Mr. Hollers's motion to proceed on appeal without prepayment of costs or fees, but the full amount of the filing fees is due immediately.

⁶ The district court's dismissal order did not specifically address plaintiff's state law claims. However, Mr. Hollers has not raised any issues on appeal with respect to his state law claims, and we will assume that, pursuant to 28 U.S.C. § 1367(c)(3), the district court declined to exercise supplement jurisdiction over the state law claims. *Cf. Taylor v. Meacham*, 82 F.3d 1556, 1564 n.11 (10th Cir. 1996) (affirming district court order granting defendant summary judgment in § 1983 case even though district court did not specifically address plaintiff's state law claims).

See 28 U.S.C. § 1915(a)(1) (excusing only “*prepayment* of fees” (emphasis added)).

We deny Mr. Hollers’s other pending motions.

Entered for the Court

Per Curiam