

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 11, 2026

Christopher M. Wolpert
Clerk of Court

ADAM STREGE,

Plaintiff - Appellant,

v.

LAUNCH ALL NUCLEAR MISSILES;
ALL PLANETS NUCLEAR MISSILES;
NATE LONG, Grand Junction CO Police
Officer in his official and individual
capacities; BEN COOPER, Grand Junction
CO Police Officer in his individual
capacity; CRISS KOPP, Grand Junction
CO Police Officer in his official and
individual capacities; STEVE ANSEL,
Grand Junction Police Officer in his
official and individual capacities; 5
unknown named Delta County Sheriff
Deputies in their individual and official
capacities; STEVE BERUJ, Delta County
Sheriff in his official and individual
capacities; FAY MATHEWS, Delta
County Planning Department Director in
his official and individual capacities;
STARBUCKS COFFEE; DAVID
STEINER, United States Post Office
Postmaster General in his official and
individual capacities; ACSES HEATH;
GOD LOVES US; GOD LOVES YOU;
GOD HATES US; GOD HEAVEN; GOD
HELL; ALL SPACE PLANETS; ALL
PLANETS PEOPLE; ALL PLANETS
SUN LIGHT; ALL PLANETS ATOMS;
SATAN; ALL PLANETS; ALL SPACE
PLANETS COURTS ALL PLANETS
POLICE AND LAW ENFORCEMENT;
ALL PLANETS MILITARY; ALL
PLANETS COMPUTERS,

No. 26-1185
(D.C. No. 1:25-CV-03897-LTB)
(D. Colo.)

Defendants - Appellees.

ORDER AND JUDGMENT*

Before **PHILLIPS, KELLY**, and **FEDERICO**, Circuit Judges.**

This is an appeal from a remand order of the district court. Strege v. Launch All Nuclear Missiles, No. 26-1026, 2026 WL 810218 (10th Cir. Mar. 24, 2026) (affirming Rule 41(b) dismissal of complaint), reh'g granted, 2026 WL 1078157 (10th Cir. Apr. 20, 2026), rev'd and remanded for further proceedings, 2026 WL 1069042 (10th Cir. Apr. 20, 2026). On remand, Mr. Strege filed a motion to consolidate the underlying district court case (No. 1:25-cv-03897-LTB) with a later-filed case (No. 1:26-cv-00417-RTG), closing the earlier case and leaving the later case open. Tenth Mot. for Order, Strege v. Launch All Nuclear Missiles, No. 1:25-cv-03897-LTB (D. Colo. Apr. 22, 2026) (ECF No. 28). The district court construed the motion as one for voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A) and granted it and closed the case. R. 48–49 (Order of Dismissal, filed Apr. 24, 2026). Mr. Strege then filed a motion to reconsider and to consolidate the

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

** 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.

case with No. 26-cv-00417 as originally requested. Id. at 50–76. He also sought a 120-day extension to file an amended complaint. Id. at 77–83. The district court denied consolidation because Mr. Strege failed to identify any common questions of law or fact. Id. at 84 (citing Fed. R. Civ. P. 42(a)). It also considered the motions to reconsider and for an extension of time moot because the case had been closed. Id.

We review the denial of a motion to consolidate for an abuse of discretion. Shump v. Balka, 574 F.2d 1341, 1344 (10th Cir. 1978). And we construe Mr. Strege’s pro se arguments liberally but do not act as his advocate. United States v. Pinson, 584 F.3d 972, 975 (10th Cir. 2009).

Though it appears that the district court was mistaken in initially reciting that the two cases had the same issues and defendants, Mr. Strege’s pleadings are not the easiest to follow. We find no abuse of discretion given that Mr. Strege did not identify any common issues of law or fact and what would be gained by consolidation. Insofar as closing the case, however, we think that it was premature in light of our earlier remand for further proceedings. Having moved unsuccessfully to consolidate this case with another, summary dismissal of this case was not appropriate. On remand, the district court should consider whether to grant an extension to allow Mr. Strege to file an amended complaint addressing the deficiencies that led to the original Rule 41(b) dismissal.

We GRANT Mr. Strege's motion for leave to proceed on appeal without prepayment of fees or costs and REMAND the case for further proceedings.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge