

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 15, 2026

Christopher M. Wolpert
Clerk of Court

SABRINA ZUNKER,

Plaintiff - Appellant,

v.

KAREN F. HUBLER, in her official
capacity; ADAM J. ESPINOSA, in his
official capacity,

Defendants - Appellees.

No. 26-1192
(D.C. No. 1:26-CV-01450-LTB-RTG)
(D. Colo.)

ORDER AND JUDGMENT*

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

Sabrina Zunker appeals pro se from the district court's dismissal of her complaint without prejudice against Colorado District Court Magistrate Karen F. Hubler and Colorado District Court Judge Adam J. Espinosa, in

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 Federal Rule of Appellate Procedure 32.1 and Tenth Circuit Rule 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.

their official capacities, for lack of subject matter jurisdiction. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

Zunker initiated this case by filing a pro se complaint against the judges based on their rulings in an underlying divorce case. Zunker argued that the rulings infringed upon her constitutional rights and sought declaratory and injunctive relief in federal court. The district court referred the matter to a magistrate judge, who then recommended sua sponte dismissal of the complaint for lack of subject matter jurisdiction because the state judges were entitled to sovereign immunity. Zunker objected to the Report and Recommendation, but the district court adopted it in full, concluding that it lacked jurisdiction. The district court also denied Zunker's request for leave to supplement as futile and entered judgment against her on May 14, 2026. This appeal timely followed.

We review a district court's dismissal for lack of subject matter jurisdiction on sovereign immunity grounds de novo. *Good v. U.S. Department of Education*, 121 F.4th 772, 786 (10th Cir. 2024).

On appeal, Zunker focuses her argument on the merits of her underlying claims. As to sovereign immunity, she only argues that judicial immunity did "not justify dismissal at the pleading stage." Op. Br. at 11. Having reviewed the record, including the district court's orders, and the

parties' contentions on appeal, we affirm the dismissal of Zunker's complaint for substantially the same reasons given by the district court.

Zunker also filed a Motion for Leave to Lodge Supplemental Materials, Doc. 24, and a Motion for Judicial Notice and Leave to Lodge Supporting Materials, Doc. 27. Zunker asks to supplement the record with materials that were not before the district court. "This court will not consider material outside the record before the district court." *United States v. Kennedy*, 225 F.3d 1187, 1191 (10th Cir. 2000). Accordingly, the motions are denied.

Entered for the Court

Richard E.N. Federico
Circuit Judge