

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 1, 2026

Christopher M. Wolpert
Clerk of Court

BERNARD KENNETH RIVERS, JR.,

Plaintiff - Appellant,

v.

STATE OF COLORADO; RACHAEL
ERICKSON, in her official and individual
capacity; MARCI HOFFMAN, in her
official and individual capacity; PHIL
WEISER, in his official and individual
capacity; MATTHEW HEGARTY, in his
official and individual capacity; DAVID
BELSHIEM, in his official and individual
capacity; GILBERT M. ROMAN, in his
official and individual capacity;
ELIZABETH PHILLIPS,

Defendants - Appellees.

No. 25-1344
(D.C. No. 1:22-CV-02922-WJM-STV)
(D. Colo.)

ORDER AND JUDGMENT*

Before **HARTZ, KELLY**, and **CARSON**, Circuit Judges.

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Bernard Kenneth Rivers, Jr., appeals two district court orders denying his requests for post-judgment relief and imposing filing restrictions. We dismiss the appeal as untimely to the extent it challenges the district court’s June 3, 2025, order denying post-judgment relief. To the extent it challenges the district court’s August 7, 2025, order imposing filing restrictions, we exercise jurisdiction under 28 U.S.C. § 1291 and affirm for the reasons stated by the district court. We also admonish Rivers for submitting frivolous filings in this court.

I

Rivers initiated the underlying action against the State of Colorado, several state officials, and two attorneys, asserting constitutional violations associated with his prior state-court litigation. The district court dismissed the action for lack of jurisdiction under the *Rooker-Feldman* doctrine, and we affirmed. *See Rivers v. Colorado*, No. 23-1279, 2024 WL 2050286 (10th Cir. May 8, 2024).

Thereafter, Rivers returned to the district court and filed two post-judgment motions. The district court denied these motions on February 14, 2025, explaining it had “already determined it lacked jurisdiction to consider [his] arguments under the *Rooker-Feldman* doctrine” R., vol. 3 at 36. Rivers nevertheless filed three more post-judgment motions, all citing Federal Rule of Civil Procedure 60(b) and insisting, among other things, that *Rooker-Feldman* did not apply and the district court should set aside its February 14, 2025, order. *See id.* at 57-66 (first motion); *id.* at 69-74 (second motion); *id.* at 151-55 (third motion).

On June 3, 2025, the district court denied all three motions, explaining it had dismissed Rivers’ action, the Tenth Circuit had affirmed, and it denied his prior post-judgment motions for the same reasons—his action was barred by *Rooker-Feldman*.

Additionally, the district court explained that Rivers was prolific in repeating the same arguments that had already been rejected, even after its decision had been affirmed. The district court observed that in just three months, he had filed some 25 notices of documents filed in his state-court proceedings. The district court therefore advised him it was considering imposing filing restrictions and directed him to show cause “why he should not be enjoined from filing any further *pro se* documents in this case without first seeking and obtaining leave of Court.” *Id.* at 222.

Rivers did not respond to the show cause order. Instead, he filed ten more notices of filings in his state-court litigation.

Consequently, on August 7, 2025, the district court imposed filing restrictions, enjoining Rivers from filing further *pro se* documents in the case without leave of court. The district court cited “the very large number of completely irrelevant and frivolous documents Rivers ha[d] filed over the course of several months (including after the Court warned him that it was considering [imposing filing restrictions]).” *Id.* at 315. The district court cited published Tenth Circuit authority “approv[ing] similar restrictions as a first response to abusive filings.” *Id.* at 316 (citing *Andrews v. Heaton*, 483 F.3d 1070, 1077 (10th Cir. 2007)). And the district court notified him that before he filed any more *pro se* documents in the case, he must:

file a petition with the Clerk of Court requesting leave to file a pleading that includes (1) a copy of [its] [o]rder; (2) a copy of the proposed filing; and (3) a notarized affidavit, or declaration which fully complies with 28 U.S.C. § 1746, certifying that the document is not duplicative of a document already filed and/or does not involve issues already resolved by the Court, and is not frivolous, malicious, or made in bad faith.

Id. The district court cautioned him that failure to follow these instructions would result in any applicable filing being summarily rejected.

Rivers appealed, repeating many of his previously rejected arguments and insisting *Rooker-Feldman* does not apply. *See* Aplt. Opening Br. at 7. He also mentions, but only cursorily in the enumerated “Relief Requested” closing section of his brief, that he wants this court to remove the filing restrictions imposed by the district court. *Id.* at 11. During the pendency of this appeal, he has filed numerous motions and notices in this court, some nominally labeled as “emergencies,” though without identifying any urgent matter.

II

A. Post-Judgment Relief

To the extent Rivers appeals the June 3, 2025, order denying post-judgment relief, we dismiss the appeal as untimely. *See* Fed. R. App. P. 4(a)(1)(A) (requiring a notice of appeal to be filed within 30 days of the order appealed). Rivers did not file his notice of appeal until August 29, 2025, so we lack jurisdiction to review the order denying post-judgment relief on June 3, 2025. *See Lebahn v. Owens*, 813 F.3d 1300, 1304 (10th Cir. 2016) (“This court has jurisdiction only to review district court judgments from which a timely notice of appeal has been filed.”).

B. Filing Restrictions

Rivers also includes a cursory request to reverse the district court's imposition of filing restrictions, stating in the "Relief Requested" section of his brief: "Remove filing restrictions for pro se litigant for Rule 60(b) motions." Aplt. Opening Br. at 11, ¶ 6. He offers no argument or legal authority to support this request, which is inadequate to preserve the issue for appellate review. *See Bronson v. Swenson*, 500 F.3d 1099, 1104 (10th Cir. 2007) ("[W]e routinely have declined to consider arguments that are not raised, or are inadequately presented, in an appellant's opening brief."). Accordingly, we affirm the district court's imposition of filing restrictions for the reasons stated in the district court's orders dated June 3, and August 7, 2025.¹

C. Rivers' Appellate Filings

Finally, we admonish Rivers for filing redundant, mislabeled, and frivolous documents in this court. During the pendency of this appeal, he has filed no less than twenty-three different documents. These documents consist of twelve different motions seeking to supplement the record, clarify purported docket irregularities, and remand this case to the district court, among other things. He also filed six notices of supplemental authority under Fed. R. App. P. 28(j), primarily asserting that *Rooker-*

¹ In his reply brief, Rivers belatedly argues that he was denied notice and an opportunity to be heard on the filing restrictions. But since this argument is raised for the first time in a reply brief, it is waived. *See In re Motor Fuel Temp. Sales Practices Litig.*, 872 F.3d 1094, 1112 n.5 (10th Cir. 2017). And in any event, the district court expressly directed him to show cause why the filing restrictions should not be imposed; he declined to respond.

Feldman does not apply to his case. He filed three additional documents seeking emergency relief, although he identifies no urgent need for judicial intervention (for example, one of his purported “emergencies” asserts that *Rooker-Feldman* was incorrectly applied in this case). And he filed two notices, one labeled, “Notice of Automatic Escalation to the Circuit Justice of the United States Supreme Court” because the district court relied on the *Rooker-Feldman* doctrine. Dkt. No. 64.

These motions and all outstanding requests for relief are denied. Rivers is prohibited from filing any further documents in this appeal, other than one under Fed. R. App. P. 40. He is cautioned that if he continues filing repetitive, frivolous, or mislabeled pleadings in this court, he could face sanctions and/or additional appellate filing restrictions. *See Andrews*, 483 F.3d at 1078 (imposing parallel appellate filing restrictions).

III

The appeal is dismissed to the extent it challenges the district court’s June 3, 2025, order denying post-judgment relief. Otherwise, the district court’s judgment is affirmed. All outstanding requests for relief are denied.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge