

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

ROMAN VLADIMIROVICH SERPIK;
SERPIK-FAMILY, ROMAN-
VLADIMIROVICH

Plaintiff - Appellant,

v.

GINA WEBB; ANGELA C. MARSEE;
COLBY VAUGHAN; PATTE GOSSEN;
NANCY KARNOWSKI; DONNA
HOWELL,

Defendants - Appellees.

Nos. 25-6110, 25-6156 &
25-6026
(D.C. No. 5:25-CV-00002-R)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **McHUGH**, **BALDOCK**, and **ROSSMAN**, Circuit Judges.

Appellant Roman Vladimirovich Serpik, proceeding without counsel,¹ appeals the district court's dismissal of his case (appeal No. 25-6110), its award of attorneys'

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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

¹ Because Appellant proceeds without counsel, we construe his pleadings liberally but do not act as his advocate. *See Yang v. Archuleta*, 525 F.3d 925, 927 n.1 (10th Cir. 2008).

fees (appeal No. 25-6156), and its denial of his request for a temporary restraining order (appeal No. 25-6026). These appeals involve overlapping facts and circumstances, so we consolidated these cases and now issue a single decision resolving them.² Exercising jurisdiction under 28 U.S.C. § 1291 we affirm the district court on Nos. 25-6110 and 25-6156 and dismiss No. 25-6026 as moot.

I. Background³

In January 2023, Oklahoma State Troopers Colby Vaughan and Pattee Gossen pulled Appellant over for failing to stop at a red light. During the traffic stop, he refused to produce his driver’s license, name, or birthdate. Instead, he produced a “Beckham-County-Publicly-Recorded-Treaty-Declaration,” which “state[d], among other things, that Roman Vladimirovich Serpik is a fictious creation of an agent for a government and all forms of government are not real.” R. vol. IV at 300 (Nos. 25-6110 & 6156) (internal quotation marks omitted). Troopers Vaughan and Gossen arrested Appellant, and he was charged with obstructing an officer and failure to stop at a red light.

² Because we reference two records in this decision—one shared record in Nos. 25-6110 & 25-6156, and one record in 25-6026—the record citations will be followed by a parenthetical indicating which record is being cited.

³ We take these facts from the complaint in case No. 25-6110, *see* R. vol. I at 29-39 (Nos. 25-6110 & 6156), and the district court order, *see* R. vol. IV at 297-317 (Nos. 25-6110 & 6156). We cite the district court order in the appellate record, *id.*, but it is also available at *Serpik-Family, Roman-Vladimirovich v. Webb*, No. 25-02-R, 2025 WL 1726316 (W.D. Okla. June 20, 2025).

Following the arrest, Assistant District Attorneys Gina Webb and Angela Marsee initiated criminal proceedings by filing an Information that Appellant alleges named the wrong defendant. After a trial, a jury found Appellant guilty on both charges, and he was sentenced to one year and ten days in prison, with six months of his sentence suspended. Appellant has since filed many actions in state and federal court against the judges, prosecutors, and various law enforcement officers involved in his traffic stop and subsequent prosecution.

Appellant brought the underlying action against the following defendants: Assistant District Attorneys Gina Webb and Angela Marsee; State Troopers Colby Vaughan and Patte Gossen; Beckham County Court Clerk Donna Howell; Beckham Country Record, a local newspaper; and Nancy Karnowski, a Beckham County Record employee.⁴ All defendants are named in their individual and official capacities. In the complaint, Appellant asserted claims under federal and state law, including under 42 U.S.C. § 1983, related to his January 2023 arrest, incarceration in the Beckham County Jail, and prosecution in Beckham County. In sum, he alleged claims for “declaratory relief (count 1), injunctive relief (count 2), violation of due process (count 3), false arrest (count 4), false imprisonment (count 5), assault and

⁴ Whether Appellant included the Beckham County Record newspaper as a named defendant is unclear. But he does not challenge the district court’s decision on counts 8 and 9 (wire fraud under 18 U.S.C. § 1343 and publishing false, defamatory statements) against Karnowski and the Beckham County Record Newspaper in his opening brief, so he has waived those issues. *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)).

battery (count 6), malicious prosecution (count 7), lack of jurisdiction in the criminal case (count 8), wire fraud in violation of 18 U.S.C. § 1343 (count [9]), defamation (count 10), kidnapping and unreasonable seizure (count 11).” R. vol. IV at 301 (Nos. 25-6110 & 6026). The defendants moved to dismiss and raised a variety of defenses including failure to state a claim, sovereign immunity, prosecutorial immunity, qualified immunity, and claim preclusion.

While the motions to dismiss were pending, Appellant filed more motions. First, he moved for an “injunction, sanctions, and restraining order to prevent false statements and defamatory references from Donna Howeel [sic] and her counsel.” R. at 170 (25-6026) (capitalization omitted). The district court concluded Appellant’s arguments lacked merit and denied the motion. Appellant then filed another motion for a temporary restraining order to keep Howell, and her counsel, from referring to him as a “sovereign citizen,” “pro se,” or “making any other defamatory, prejudicial, and unproven statements that mischaracterize [Appellant’s] legal arguments and position.” *Id.* at 190-91 (25-6026). The district court also denied this motion. These orders are the subjects of appeal No. 25-6026.

The district court then dismissed the case, setting out a number of alternative grounds to support its disposition. As relevant here, the district court determined Appellant’s action was frivolous because he “raised sovereign citizen arguments . . . not asserted in good faith.” R. vol. IV at 303 (Nos. 25-6110 & 6026). The district court also determined his “arguments [were] not based on a cognizable legal

theory.”⁵ *Id.* at 304. The district court’s dismissal order is the subject of appeal No. 25-6110.

Following the dismissal, Howell sought attorney’s fees on the ground that the lawsuit was frivolous and filed in bad faith. Appellant responded and then filed a motion to stay enforcement of the judgment. The district court granted Howell’s motion for attorney’s fees in part and denied Appellant’s motion to stay enforcement of the judgment. That order is the subject of appeal No. 25-6156.

II. Discussion

A. No. 25-6110, dismissal order

We review de novo the district court’s dismissal under Rule 12(b)(6).⁶ *McNellis v. Douglas Cnty. Sch. Dist.*, 116 F.4th 1122, 1130 (10th Cir. 2024). We “must take as true all well-pleaded facts, as distinguished from conclusory allegations, [and] view all reasonable inferences in favor of the nonmoving party,”

⁵ The district court also concluded the action was vexatious and duplicative given the previously filed actions related to Appellant’s January 2023 arrest and prosecution. It also determined *Heck v. Humphrey*, 512 U.S. 477 (1994) barred counts 3, 4, 5, 7, 8, 11, and all forms of injunctive and declaratory relief associated with those claims. In addition, the court held: (1) claim preclusion barred all claims against defendants Marsee and Vaughan; (2) Marsee and Webb were entitled to prosecutorial immunity; (3) Howell, Vaughan, and Gossen were entitled to qualified immunity; (4) the statute of limitations in the Governmental Tort Claims Act barred all tort claims asserted against the state and its employees; (5) Appellant failed to state an official capacity claim under § 1983; and (6) Appellant failed to state plausible claims.

⁶ Appellant raises no challenge in his opening brief to the denial of his post-judgment Rule 60 motions, so we deem this issue waived. *See Sawyers*, 962 F.3d at 1286.

but “a complaint cannot rely on labels or conclusory allegations—a formulaic recitation of the elements of a cause of action will not do.” *Id.* at 1130-31 (brackets and internal quotation marks omitted).

Appellant raises several issues with the district court’s dismissal order.⁷ But at the heart of all the arguments for reversal is his assertion that the state officials identified and prosecuted the wrong defendant. He insists the caption and other documents contained the wrong name: “ROMAN SERPIK.” He contends that “ROMAN SERPIK” is an entity, “Roman Vladimirovich Serpik” is the natural living man, and the state officials failed to draw this distinction during the proceedings. Each of his arguments, though framed at a high level as relating to various legal or factual issues, boils down to his claim that the state prosecuted the wrong legal

⁷ Appellant argues the district court misapplied *Heck*, asserting the doctrine requires a claim-by-claim evaluation. He contends that his “false arrest, Fourth Amendment violations, excessive force, fabrication issues, and procedural due process injuries do not necessarily imply invalidity of the conviction.” Aplt. Opening Br. at 15-16 (Nos. 25-6110 & 6156). He cites *McDonough v. Smith*, 588 U.S. 109 (2019), and *Nichols v. Dancer*, 657 F.3d 929 (9th Cir. 2011), to support this proposition. *McDonough* does not address whether *Heck* requires a claim-by-claim evaluation, and *Nichols* does not involve the *Heck* doctrine at all.

He also argues the district court misapplied claim preclusion because the parties are not the same and the disposition was not an adjudication on the merits. He further asserts the district court erred by concluding the government officials were entitled to absolute and qualified immunity, exercising supplemental jurisdiction over the state law tort claims, and concluding the tort claims were barred by the Oklahoma Governmental Tort Claims Act’s statute of limitations. He contends that he should have been entitled to equitable tolling because the state prevented him from filing within the time limitation.

party—Roman Vladimirovich Serpik—and thus his arrest, prosecution, and conviction in state court are void.

The district court rejected Appellant’s misidentification argument as frivolous, concluding Appellant’s claims were “premised on his belief that he is beyond the jurisdiction of the state authorities and courts and that all forms of government are not real.” R. vol. IV at 303 (Nos. 25-6110 & 6026). We have thoroughly reviewed the record, the district court’s order dismissing the case, and the parties’ arguments on appeal.⁸ We discern no error in the district court’s conclusion.

“An appeal is frivolous when the result is obvious, or the appellant’s arguments of error are wholly without merit.” *Ford v. Pryor*, 552 F.3d 1174, 1180 (10th Cir. 2008) (internal quotation marks omitted). “Regardless of an individual’s claimed status of descent, be it as a sovereign citizen, a secured-party creditor, or a flesh-and-blood human being, that person is not beyond the jurisdiction of the courts,” *United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011) (internal quotation marks omitted), and this court has rejected such an argument as frivolous and lacking merit, *see Lonsdale v. United States*, 919 F.2d 1440, 1448 (10th Cir. 1990) (concluding arguments asserting a claimed status of descent is not subject to federal taxation lack legal merit and are frivolous). *See also, e.g., United States v.*

⁸ To the extent Appellant argues the district court erred by classifying the nature of the suit as “555 – Prisoner Petitioner: Prisoner Conditions,” Aplt. Opening Br. at 42, this argument is meritless. Appellant’s assertion that the district court “invoked PLRA-style screening language,” *id.* at 43, and therefore applied the wrong legal standard, is also meritless. The district court’s order does not contain language invoking the PLRA.

Bracken, No. 25-4005, 2025 WL 3470848, at *2 (10th Cir. Dec. 3, 2025) (unpublished) (concluding a defendant’s claimed status of “American State National Civilian” meant the district court does not have jurisdiction over him is frivolous (internal quotation marks omitted)); *United States v. Berris*, No. 24-8065, 2025 WL 1367197, at *4 (10th Cir. May 12, 2025) (unpublished) (concluding a party’s identification as a “state national” offered no basis for reversal); *United States v. Palmer*, 699 F. App’x 836, 838 (10th Cir. 2017) (concluding reasonable jurists would not disagree that sovereign state citizen arguments are plainly frivolous). We have rejected misidentification arguments as wholly frivolous in tax disputes. *See Ford*, 552 F.3d at 1179 (rejecting appellant’s theory that his name in all capital letters did not properly identify him). And Appellant’s legal theory that the misidentification and prosecution of the wrong legal person deprived the court of jurisdiction lacks merit.⁹ *See Benabe*, 654 F.3d at 767.¹⁰ Accordingly, we affirm the district court’s

⁹ In his Reply Brief, Appellant points to an Oklahoma Supreme Court ruling “on the identity issue” that he says bolsters his misidentification arguments. Reply Br. at 7-8 (Nos. 25-6110 & 6156). The state court order does not, as Appellant contends, rule that “ROMAN SERPIK” is a legal entity and “Roman Vladimirovich Serpik” is a natural person for his purposes. Rather, the order states that Appellant cannot represent a legal entity because he is not an attorney and that he must comply with the Oklahoma Supreme Court rules. *See* Aplt. Opening Br. Ex. A.

¹⁰ Appellant calls himself a “sovereign-Oklahoma-state-national,” rather than a sovereign citizen. Aplt. Opening Br. at 10 (No. 25-6026). This does not change our analysis.

dismissal of the case as frivolous.¹¹

B. No. 25-6256, Attorney's Fees and Sanctions

Appellant next challenges the award of attorneys' fees. He challenges the basis for the fee award, contending "the [district] court improperly relied on the characterization of Appellant as a 'sovereign citizen' and dismissed claims based on labels rather than legal merit." Aplt. Opening Br. at 40 (Nos. 25-6110 & 6026). We are not persuaded.

We review the district court's award of attorney's fees under 42 U.S.C. § 1988(b) for abuse of discretion. *See Robinson v. City of Edmond*, 160 F.3d 1275, 1280 (10th Cir. 1998). "Under this standard, we may reverse a district court's underlying factual findings only if they are clearly erroneous, but we review the court's statutory interpretation or other legal conclusions de novo." *Id.* "While a prevailing plaintiff ordinarily is entitled to attorney fees, a prevailing defendant in a civil rights action may recover attorney fees only if the suit was vexatious, frivolous, or brought to harass or embarrass the defendant." *Mitchell v. City of Moore*, 218 F.3d 1190, 1203 (10th Cir. 2000) (internal quotation marks and citation omitted).

Here, Appellant contends the record does not support the district court's finding that his claims were frivolous or duplicative. We have already affirmed the

¹¹ The district court made alternative rulings on other bases for dismissal of the claims. R. vol. IV at 305-14 (Nos. 25-6110 & 6026). We need not address these grounds because we affirm the frivolous ruling.

district court's determination that the lawsuit was frivolous, and the record supports such a finding.¹² Under these circumstances, we find no abuse of discretion.

C. No. 25-6026, Preliminary Injunction Denial

Appellant appealed two district court orders. The first order denied his request for injunctive relief and sanctions against Howell and her counsel for using language associating him with the sovereign citizen group in the litigation. The second order denied Appellant's request for a temporary restraining order to restrain Howell and her counsel from referring to him as a sovereign citizen or pro se party in the litigation.

Appellant raises many issues in his opening brief. But only the arguments challenging the district court's failure to prohibit Howell from using the terms "pro se" and "sovereign citizen" fall within district court's orders denying his request for injunctive relief.¹³

"[E]xistence of a live case or controversy is a constitutional prerequisite to federal court jurisdiction." *Ind v. Colo. Dep't of Corr.*, 801 F.3d 1209, 1213 (10th Cir. 2015) (internal quotation marks omitted). "[T]his requirement exists at all stages of federal judicial proceedings." *Id.* (internal quotation marks omitted).

¹² Appellant seems to think the district court entered sanctions against him, but he is wrong. The court entered only an order awarding attorney's fees and costs.

¹³ Most of Appellant's arguments are challenges to the district court's use of pro se and sovereign citizen language. He also insists the district court judge should recuse and erred by exercising supplemental jurisdiction. Appellant did not argue these issues in his motions and the orders appealed do not pass on any of these issues, so they are not properly before this court.

“When it becomes impossible for a court to grant effective relief, a live controversy ceases to exist, and the case becomes moot.” *Abdulhaseeb v. Calbone*, 600 F.3d 1301, 1311 (10th Cir. 2010) (internal quotation marks omitted).

Appellant seeks to prohibit parties from using certain terms during the litigation. Because we affirm the district court’s dismissal of his complaint and award of attorneys’ fees, which ends the case, granting injunctive relief now would not resolve a live case or controversy. Accordingly, we dismiss this appeal as moot.

III. Conclusion

We affirm Nos. 25-6110 and 25-6156, dismiss No. 25-6026 as moot, and deny all pending motions.¹⁴

Entered for the Court

Veronica S. Rossman
Circuit Judge

¹⁴ Pending motions include: (1) motion “to correct the nature of suite [sic] on the appellate docket” ((Dkt. No. 41) (25-6026), (Dkt. No. 32) (25-6110), and (Dkt. No. 5) (25-6156)); (2) motion “to correct the record to reflect Appellant’s true legal identity in all orders and documents filed by Roman Vladimirovich Serpik in 25-6026, 25-6110, and 25-6156” ((Dkt. No. 42) (25-6026) and (Dkt. No. 31) (25-6110)); (3) motion “to request use of his full and correct legal name filed by Roman Vladimirovich Serpik in 25-6026, 25-6110, and 25-6156” ((Dkt. No. 49) (25-6110), and (Dkt. No. 29) (25-6156) and (Dkt. No. 46) (25-6026)); (4) “motion to strike filing submitted Jan. 12, 2026, Doc: 55-1 by Lexie Norwood” ((Dkt. No. 62) (25-6110) (Dkt. No. 46) (25-6156)); and (5) “motion to disqualify attorney Lexie Norwood for conflict of interest” ((Dkt. No. 63) (25-6110) and (Dkt. No. 47) (25-6156)).