

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 6, 2026

Christopher M. Wolpert
Clerk of Court

DEXTER HUTCHINS,

Plaintiff - Appellant,

v.

WADE GOURLEY, Chief of Police of
the City of Oklahoma City Police
Department; ALEXANDER
ACOSTA, Oklahoma City Police
Officer; CITY OF OKLAHOMA CITY
POLICE DEPARTMENT; TAYLOR
SHAW,

Defendants - Appellees.

No. 25-6208
(D.C. No. 5:24-CV-00852-R)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **HOLMES**, Chief Judge, **MORITZ**, and **FEDERICO**, Circuit Judges.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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

Dexter Hutchins was pulled over for a traffic violation and later arrested in Oklahoma City, Oklahoma. Under 42 U.S.C. § 1983, he sued the police officers who arrested him, the police department that employed the officers, and the department's police chief for unlawful arrest, excessive force, and racial discrimination. The district court dismissed Hutchins's claims, and he appeals. Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

I

Hutchins's complaint attempted to allege the Oklahoma City Police Department ("OCPD"), OCPD Chief Wade Gourley, Officer Alexander Acosta,¹ and Officer Taylor Shaw violated his Fourth and Fourteenth Amendment rights during the traffic stop and arrest.

The OCPD moved to dismiss, asserting improper service and that it was not a suable entity under § 1983; the district court granted the motion and dismissed the claims against the OCPD. In a separate order, the district court dismissed the claims against Chief Gourley based on improper service.

Officers Acosta and Shaw later moved for summary judgment, asserting they were entitled to qualified immunity. The district court

¹ Officer Acosta's last name was misspelled as "Ocosta" in the district court's docket and the caption submitted to this court. The caption has been altered to correct the last name.

granted summary judgment to the officers on all claims. It found the facts in the officers’ summary judgment briefing were undisputed and admitted because Hutchins did not controvert them as required under Federal Rule of Civil Procedure 56 and the local rules. Under those facts, the court then concluded Hutchins established neither that the officers “violated a constitutional right during the traffic stop or arrest” nor “assuming there was a constitutional violation, . . . that the right was clearly established.” R. I at 237–38; *see Alcala v. Ortega*, 128 F.4th 1298, 1306 (10th Cir. 2025) (“When a defendant asserts qualified immunity at the summary-judgment stage, the burden shifts to the plaintiff to demonstrate (1) that the official violated a statutory or constitutional right, and (2) that the right was clearly established at the time of the challenged conduct.” (internal quotation marks omitted)).

Hutchins timely moved to alter or amend the judgment under Rule 59(e), which the court denied. This appeal followed.

II

We liberally construe Hutchins’s pro se filings, *see Yang v. Archuleta*, 525 F.3d 925, 927 n.1 (10th Cir. 2008), and we typically excuse a pro se litigant’s inartful pleading and legal analysis, *see Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). But “[t]his court has repeatedly insisted that pro se parties follow the same rules of procedure that govern other

litigants.” *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994) (internal quotation marks omitted).

We have held that Federal Rule of Appellate Procedure 28 “applies equally to pro se litigants.” *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 841 (10th Cir. 2005) (internal quotation marks omitted). Under that rule, an opening brief must contain “appellant’s contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies.” Rule 28(a)(8)(A). “Consistent with this requirement, we routinely have declined to consider arguments that are not raised, or are inadequately presented, in an appellant’s opening brief.” *Bronson v. Swenson*, 500 F.3d 1099, 1104 (10th Cir. 2007).

Here, Hutchins contends the district court violated his “rights to due process and equal protection of the law” by failing to rule “on his motions in a timely fashion.” Op. Br. at 1. But he does not identify any motion in the record for which the district court delayed ruling, and he fails to explain how the purported delays violated his Fourteenth Amendment rights. This “perfunctory” allegation of error “fail[s] to frame and develop an issue sufficient to invoke appellate review.” *Murrell v. Shalala*, 43 F.3d 1388, 1389 n.2 (10th Cir. 1994).

Hutchins also contends the district court “created plain error” when it granted summary judgment to Officers Acosta and Shaw based on its

determination that they were entitled to qualified immunity. Op. Br. at 2. But Hutchins does not “explain what was wrong with the reasoning that the district court relied on” in dismissing his complaint. *Nixon v. City & Cnty. of Denver*, 784 F.3d 1364, 1366 (10th Cir. 2015).

Thus, we affirm the district court without reaching the merits because Hutchins’s opening brief is inadequate to invoke our review.

III

We affirm the district court’s judgment. We grant Hutchins’s motion to proceed on appeal *in forma pauperis* without prepayment of costs and fees.

Entered for the Court

Richard E.N. Federico
Circuit Judge