

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

November 23, 2021

**Christopher M. Wolpert
Clerk of Court**

JABARI J. JOHNSON,

Plaintiff - Appellant,

v.

LAMBKINS; PEEK; COMBEE;
CORTEZ; AYALA; MARTINEZ;
NERTON; KILPOLITES; DURAN;
MORONES; DETRANCESCO; FOX;
MARTIN; HETWIG; HOFFMAN;
HUNT; GALINA; GILLIS; VALLE;
ROOT; JAMES; WILL; ROYCE;
CRAWFORD, Chaplain; MCALLISTER;
BAINBRIDGE; MOORE; DEAN
WILLIAMS; LITTLE; FERGESSEN;
SMITH; CHRISTOPHER; MARK
ANDREWS; HEADLEY; BOSWICK;
ALLENHAMMER,

Defendants - Appellees.

No. 21-1340
(D.C. No. 1:21-CV-02467-LTB)
(D. Colo.)

ORDER AND JUDGMENT*

* After examining appellant's brief and the appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2) and 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 This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

Before **MORITZ, BALDOCK** and **EID**, Circuit Judges.

Plaintiff Jabari Jones is an avid litigant before the courts of our Circuit. Because of his previous efforts, the United States District Court for the District of Colorado imposed filing restrictions on Plaintiff to prevent him from pursuing “groundless and vexatious litigation.” *See Johnson v. Hawkins*, No. 19-cv-03730-LTB, ECF No. 3, at 9, 10–11 (D. Colo. Mar. 4, 2020). We followed the district court’s lead and also imposed filing restrictions on Plaintiff. *See Johnson v. Johnson*, No. 21-1152, 2021 WL 4595172 (10th Cir. Oct. 6, 2021). Our restrictions, however, only went into effect on November 5, 2021 and have no impact on this appeal. *See id.*

Plaintiff’s current suit is filed pursuant to 42 U.S.C. § 1983 and alleges numerous violations relating to prison conditions and ADA compliance. The district court dismissed Plaintiff’s complaint **WITHOUT PREJUDICE** because he failed to comply with the filing restrictions imposed upon him. Unsatisfied, Plaintiff appealed. We exercise jurisdiction under 28 U.S.C. § 1291, and for substantially the reasons stated in the district court’s Order, we affirm the dismissal of Plaintiff’s claim.

Additionally, we consider Plaintiff's motion to proceed *in forma pauperis*. We grant Plaintiff's motion but caution him that he is responsible to continue making payments towards the filing fee until it is paid in full.

AFFIRMED.

ENTERED FOR THE COURT

Bobby R. Baldock
Circuit Judge