

No. 14-1144

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In the  
**United States Court of Appeals**  
for the Tenth Circuit

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WALTER TRUSTRUM ARMSTRONG, III,  
*Plaintiff-Appellant,*

v.

JPMORGAN CHASE BANK NATIONAL ASSOCIATION,  
*Defendant-Appellee.*

On Appeal from the United States District Court  
for the District of Colorado - Denver  
1:13-CV-02930-RBJ, Judge R. Brooke Jackson

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**BRIEF OF APPELLANT**  
**WALTER TRUSTRUM ARMSTRONG, III**

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**ORAL ARGUMENT REQUESTED**

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**STATEMENT OF RELATED CASES**

There are no known related cases pending in this Court.

## **JURISDICTIONAL STATEMENT**

### **I. Federal District Court Jurisdiction.**

The United States District Court for the District of Colorado acquired subject matter jurisdiction over Appellant Walter Trustrum Armstrong III's claims by removal jurisdiction based on diversity pursuant to 28 U.S.C. sec. 1331.

### **II. Jurisdiction On Appeal.**

The Tenth Circuit Court of Appeals has appellate jurisdiction over this appeal pursuant to 28 U.S.C. § 1291 as the district court's Order granting Defendant/Appellee's Motion to Dismiss with Prejudice, which was filed on April 7, 2014 (Aplt. App. 60-68) with the accompanying Final Judgment (Aplt. App. 69), constitutes a final decision of a district court of the United States. Appellant's Notice of Appeal was timely filed in the District Court on April 17, 2014 (Aplt. App. 71-72) pursuant to and in compliance with Fed.R.App.P. 28 (a)(4)(A).

## **ISSUES PRESENTED FOR REVIEW**

Whether the District Court erred in granting Appellees/Defendants below's Motion to Dismiss With Prejudice by:

- A. overruling or impermissibly re-writing a state Statute (issued raised and ruled upon, Aplt.App. 37-38 and 60-67, per 10th Cir. R.28.2(C)(2));
- B. violating the *Rooker-Feldman* Doctrine by using the Federal Court as a means to appeal a State Court ruling (issue raised and ruled upon, Aplt. App. 37-38 and 63-64, per 10th Cir. R.28.2(C)(2));



The balance of the brief has been eliminated for this sample. For a copy of the complete brief please call our office. Thank you.