

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

July 6, 2026

Christopher M. Wolpert
Clerk of Court

TONY LAMAR VANN, as trustee of
the Estate of Viola Elizabeth Ebbs,
a/k/a Viola Brown, and as trustee of
the Mary Vann Irrevocable Trust,

Plaintiff - Appellant,

v.

VIEANA ROSE EBBS, as
administrator of the last will and
testament of Viola Elizabeth Ebbs;
JUDGE CARL G. GIBSON; STATE
OF OKLAHOMA,

Defendants - Appellees.

No. 26-5048
(D.C. No. 4:26-CV-00189-JDR-JFJ)
(N.D. Okla.)

APPENDIX A

ORDER AND JUDGMENT*

Before **TYMKOVICH, PHILLIPS, and FEDERICO**, 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This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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 Federal Rule of Appellate Procedure 32.1 and Tenth Circuit Rule 32.1.

APPENDIX A

Tony Vann originally sued Vieana Ebbs in Oklahoma state court to contest the will of Viola Ebbs. He has twice, however, attempted to remove his own lawsuit to federal court. The first time Vann attempted to remove, the district court sua sponte remanded the case to state court for lack of federal jurisdiction. But the second time around, Vann had also added a state court judge as a defendant. Upon removal, he argued that the federal district court properly had jurisdiction over the case "because it is a civil action commenced against an 'officer of the courts of the united states, for or relating to any act under color of office or in the performance of his duties.'" R. at 6 (quoting 28 U.S.C. § 1442(a)(3)). The district court again remanded the case to the state court, warning Vann "that if he files similarly frivolous notices of removal in the future he may be subjected to filing restrictions." R. at 66-67. This timely appeal followed. Nonetheless, we lack jurisdiction over the appeal and therefore dismiss it.

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1442 or 1443 of this title shall be reviewable by appeal or otherwise." 28 U.S.C. § 1447(d). "If the district court stated that its remand was based on a lack of subject matter jurisdiction and that basis 'is colorably characterized as subject-matter jurisdiction, appellate review is barred by

§ 1447(d).” *Hill v. Vanderbilt Capital Advisors, LLC*, 702 F.3d 1220, 1224 (10th Cir. 2012) (quoting *Powerex Corp. v. Reliant Energy Servs.*, 551 U.S. 224, 234 (2007)).

Here, Vann purported to remove this case to federal court pursuant to 28 U.S.C. § 1442(a)(3), which permits removal when a federal judicial officer is sued. But Vann sued a state court judge, and the district court concluded that “state-court judges are not ‘federal officials’” within the meaning of Section 1442. R. at 66 (quoting *Steinmetz v. Steinmetz*, 2008 WL 5991009, at *11 (D.N.M. Aug. 27, 2008)). The district court’s conclusion explicitly touches on its subject-matter jurisdiction and our review is therefore barred. 28 U.S.C. § 1447(d). Vann’s three-page brief on appeal offers no contrary argument. *Reedy v. Werholtz*, 660 F.3d 1270, 1274 (10th Cir. 2011) (arguments not raised or inadequately briefed are waived and need not be considered). No amount of liberal construction can salvage Vann’s appeal. *De Silva v. Pitts*, 481 F.3d 1279, 1283 n.4 (10th Cir. 2007).
DISMISSED.

Entered for the Court

Richard E.N. Federico
Circuit Judge

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

PLEASE STAMP FILED
AND RETURN TO THE APPELLANT
SEE STAMPED ENVELOPE HERETO.
THANKS TV

APPENDIX B

TONY LAMAR VANN, AS TRUSTEE)
OF THE ESTATE OF VIOLA)
ELIZABETH EBBS, A/K/A VIOLA)
BROWN, AND TRUSTEE OF THE)
MARY VANN IRREVOCABLE)
TRUST,)

PLAINTIFF-APPELLANT,)

V.)

VIEANA ROSE EBBS, AS)
ADMINISTRATOR OF THE LAST)
WILL AND TESTAMENT OF VIOLA)
ELIZABETH EBBS; JUDGE CARL)
G. GIBSON; STATE OF OKLAHOMA)

DEFENDANTS-APPELLEES)

NO. 26-5048

(D.C. NO. 4;26-CV-00189-JDR-JFJ)

(N.D. OKLA.)

FILED

United States Court of Appeals
Tenth Circuit

JUL 20 2026

CHRISTOPHER M. WOLPERT
Clerk

PETITION FOR REHEARING

COMES NOW, TONY LAMAR VANN HEREINAFTER "APPELLANT". AND HEREBY
RESPECTFULLY MOVES THIS COURT FOR A REHEARING **FED.R.APP.P.40. AND RECUSAL**
28 U.S.C. 455(D)(1) IN SUPPORT STATES THE FOLLOWING TO-WIT;

I.

BRIEF IN SUPPORT

- 1). THAT THE PANEL DECISION CONFLICTS WITH A DECISION OF THE UNITED STATES
SUPREME COURT (**MCGIRT V. OKLAHOMA 591 U.S. 894(2020)**). IT IS THEREFORE
NECESSARY TO SECURE OR MAINTAIN UNIFORMITY OF THE COURTS DECISIONS.
- 2). IN PRO-SE COUNSELS JUDGMENT, ONE OR MORE OF THE FOLLOWING SITUATIONS
EXIST; A MATERIAL FACTUAL OR LEGAL MATTER WAS OVERLOOKED IN THE
DECISION.

RULE 52. FINDING OF FACT AND CONCLUSUONS OF LAW.

PAGE 1.

APPENDIX B

FINDING OF FACT: THE SAID PANEL OVERLOOKED THE JURISDICTIONAL ARGUMENT IN WHETHER NOWATA COUNTY HAD JURISDICTION INSIDE OF CHEROKEE TERRITORY. WITH MEMBERS OF THE CHEROKEE NATION.

CONCLUSIONS OF LAW: THE SAID PANEL REFUSED TO ADDRESS THE CONCLUSION OF LAWS IN REGARDS TO THE JURISDICTION OF NOWATA COUNTY INSIDE OF CHEROKEE TERRITORY IN A EFFORT TO DISREGARD CHEROKEE TRIBAL SOVEREIGNTY. NAMED INSIDE OF **MCGIRT V. OKLAHOMA 591 U.S. 894(2020).**

II.
MOTION FOR RECUSAL

3). THAT SAID PANEL HAS ELECTED TO USE FALSE, INACCURATE STATEMENTS TO DEFLECT RESPONSIBILTY FOR REFUSING TO ADDRESS WHETHER NOWATA COUNTY HAS JURISDICTION INSIDE OF CHEROKEE TERRITORY. (SEE; ATTACHED COURT ORDER).

4). SAID FALSE STATEMENTS STARTS ON **PAGE 3** STATING;

“BUT VANN SUED A STATE COURT JUDGE, AND THE DISTRICT COURT CONCLUDED THAT “STATE-COURT JUDGES ARE NOT “FEDERAL OFFICIALS” WITHIN THE MEANING OF SECTION 1442.R. AT 66 (QUOTING STEINMETZ V. STEINMETZ, 2008 WL 5991999, AT *11 (D.N.M. AUG. 27, 2008).

THIS IS CLEARLY FALSE STATEMENTS USED IN **COURT ORDER**. DUE TO THE FACT PLAINTIFF VANN NEVER SUED **JUDGE CARL G. GIBSON**. HE ONLY FILED A **WRIT OF- MANDAMUS** AGAINST SAID STATE JUDGE. UNDER 12 OKL. ST. ANN. 1451 AND OR RULE 1. 191 APPLICATION TO ASSUME ORIGINAL JURISDICTION. LAST TIME I CHECKED NONE OF ABOVE IS A **LAW SUIT**. SAID PANEL MUST BE READING SOMEONE ELSE APPEAL BRIEFS?

5). SAID STATEMENTS USED BY PANEL TO DISMISS PLAINTIFF IS CLEARLY **ERRONEOUS** USING FALSE, INACCURATE FALLACIOUS INFORMATION SHOWING BIAS AND A LACK OF **IMPARTIALITY** BY JUDGES; **TYMKOVICH, PHILLIPS, AND FEDERICO**, CIRCUIT JUDGES. DISQUALIFICATION IS MANDATORY FOR CONDUCT THAT RESONABLY CALLS INTO QUESTION A JUDGES IMPARTIALITY **LITEKY V. UNITED STATES 510 U.S. 540, 548 (1994)**. PLAINTIFF RESPECTFULLY MOVES FOR THE RECUSAL OF THE FOREGOING JUDGES.

4). THAT THE PLAINTIFF RESPECTFULLY OBJECTS TO THE OTHER ISSUES RAISED IN SAID ERRONEOUS COURT ORDER. ISSUES RAISED BY JUDGES IN LOWER COURTS WAS ONLY **DEFLECTING, SHIFTING FOCUS**, TO AVOID RESPONSIBILTY FOR NOT ADDRESSING THE ISSUE OF WHETHER NOWATA COUNTY HAD JURISDICTION INSIDE OF CHEROKEE TERRITORY. BECAUSE SAME ISSUE WAS RAISED IN ALL LOWER COURTS WITHOUT A RESPONSE.

III.
DOCTRINE OF RES JUDICATA

5). THAT THE COURTS INSIDE OF THE UNITED STATES OF AMERICA IS FOREVER BARRED FROM USING THE DOCTRINE OF RES JUDICATA TO STOP THE RE-FILING OF THE SAME CASE OVER, AND OVER AGAIN. SEE; **THE CITY OF DALLAS VS. TONY VANN CITATION# 77192866** IN WHICH THE CITY OF DALLAS FILED THE SAME CASE AGAINST THE PLAINTIFF OVER, AND OVER, AND OVER AGAIN. PLAINTIFF RESPECTFULLY APPEALED RAISING THE **DOCTRINE OF RES JUDICATA**. TRIAL COURT MADE RULING THAT **RES JUDICATA** NO LONGER APPLY. ITS OK FOR THE CITY OF DALLAS TO FILE THE SAME CASE, SAME PARTIES, OVER, AND OVER. THUS BRINGING THE END OF THE DOCTRINE OF RES JUDICATA AS MOOT. PLAINTIFF FILED IN STATE COURT AND IN FEDERAL COURTS. NOW HE CAN LEGALLY FILE THE SAME CASE OVER, AND OVER AGAIN TO NO END. UNTIL THE RULING IS REVERSED.

IV.
DEMAND FOR FINDING OF FACT AND CONCLUSIONS OF LAW

6). PLAINTIFF RESPECTFULLY DEMANDS FOR FINDINGS OF FACT, AND CONCLUSIONS OF LAWS IN THE ISSUE OF WHETHER NOWATA COUNTY HAD JURISDICTION INSIDE OF CHEROKEE TERRITORY. WITH MEMBERS OF THE CHEROKEE NATION. UNDER THE RULING OF; **MCGIRT V. OKLAHOMA 591 U.S. 894(2020)** WITHOUT DEFLECTING.

V.
JUDGE AND ATTORNEY OF RECORD

7). THAT DURING THE YEARS THIS LEGAL ACTION HAS BEEN FILED IN THE COURTS THE DEFENDANTS HAVE NEVER RESPONDED TO NO PETITION, BRIEF, MOTION. MAKING THE JUDGES IN ABOVE STYLED ACTION THE ATTORNEY OF RECORD ALSO. RESPONDING BY DEFLECTING ISSUES WITH MERIT A **CONFLICT OF INTEREST**. UNDER **18 U.S.C. 208** PROHIBITS GOVERNMENT OFFICIALS FROM PARTICIPATING IN MATTERS WHERE THEY HAVE A FINANCIAL INTEREST. IN VIOLATION OF THE **CODE OF CONDUCT FOR UNITED STATES JUDGES(28 U.S.C. 455)** JUDGES CANNOT ACT AS LEGAL COUNSEL FOR ANY PARTY IN ANY FORUM. WHICH ALL JUDGE HAVE DONE IN THIS MATTER NOW BEFORE THE BAR OF THIS COURT.

VI.
CONCLUSION

APPELLANT ASK THIS HONORABLE COURT TO REVERSE WITH INSTRUCTIONS TO ADDRESS THE ISSUE OF TRANSFER JURISDICTION FROM NOWATA DISTRICT COURT TO CHEROKEE DISTRICT COURT. ALSO PRAY FOR SUCH OTHER AND FURTHER RELIEF AS IS JUST **"IT IS SO PRAYED.** PLAINTIFF FURTHER PRAYS THAT GOD WILL INTERVENE IN THE ABOVE STYLED CAUSE. AND ALLOW A JUDGE WITH MORALS AND ETHICS TO RESIDE OVER THE CASE FOR A IMPARTIAL DECISION. AND THAT JUDGES STOP BEING THE ATTORNEY OF RECORD FOR DEFENDANTS. **IT IS SO PRAYED"**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON THE JULY DAY OF 1374 2026. I MAILED A TRUE AND CORRECT COPY OF APPEAL BRIEF ON THE FOLLOWING PERSONS;

JUDGE GIBSON
229 N. MAPLE ST.#9
NOWATA OKLA
74048

VIEANA ROSE EBB
CHANGED ADDRESS?

COURT CLERK OF THE U.S. COURT
OF APPEALS TENTH CIRCUIT
1823 STOUT STREET DENVER,
COLORADO 80257

ATTORNEY RICK D. TUCKER, OBA #
15864 P.O. BOX 1066 BARTLESVILLE, OK 74005.

CERTIFICATE OF COMPLIANCE

1. THIS BRIEF COMPLIES WITH THE TYPE-VOLUME OF FED. R. APP. P. 32 (A)(7)(B) BECAUSE;

* THIS BRIEF CONTAINS 471 WORDS, EXCLUDING THE PARTS OF THE BRIEF EXEMPTED BY FED. R. APP. P. 32(F).

2. THIS BRIEF ALSO COMPLIES WITH THE TYPEFACE REQUIREMENTS OF FED. R. APP. P. 32 (A)(5) AND TYPE REQUIREMENTS OF FED. R. APP. P. 32 (A)(6) BECAUSE;

* THIS BRIEF HAS BEEN PREPARED IN A PROPORTIONALLY SPACED TYPEFACE USING MICROSOFT WORD 2026 WITH A 14 POINT FONT NAMED TIMES NEW ROMAN.



TONY VANN PRO-SE
BRIEF OF THE APPELLANT .

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

July 28, 2026

Christopher M. Wolpert
Clerk of Court

TONY LAMAR VANN, as trustee of the
Estate of Viola Elizabeth Ebbs, a/k/a Viola
Brown, and as trustee of the Mary Vann
Irrevocable Trust,

Plaintiff - Appellant,

v.

VIEANA ROSE EBBS, as administrator of
the last will and testament of Viola
Elizabeth Ebbs, et al.,

Defendants - Appellees.

No. 26-5048
(D.C. No. 4:26-CV-00189-JDR-JFJ)
(N.D. Okla.)

APPENDIX C

ORDER

Before **TYMKOVICH, PHILLIPS**, and **FEDERICO**, Circuit Judges.

This matter is before the court on Appellant's petition and motion for recusal. The court construes the petition as a petition for panel rehearing. As construed, the petition for panel rehearing is denied and the motion for recusal is denied.

Entered for the Court

Per Curiam

APPENDIX C

United States District Court
for the Northern District of Oklahoma

Case No. 26-cv-189-JDR-JFJ

APPENDIX D

TONY L. VANN, *as trustee of THE ESTATE OF VIOLA ELIZABETH
EBBS, also known as VIOLA BROWN, and as trustee of THE MARY
VANN IRREVOCABLE TRUST,*

Plaintiff,

versus

VIEANA ROSE EBBS, *as administrator of the last will and testament of VI-
OLA ELIZABETH EBBS; JUDGE CARL G. GIBSON of THE STATE OF
OKLAHOMA,*

Defendants.

ORDER

Plaintiff Tony Vann, proceeding *pro se*,¹ sued Vieana Ebbs in Oklahoma state court to contest the will of Viola Ebbs. Dkt. 1. Mr. Vann now seeks to remove his own case to federal court, on the basis that his addition of Judge Carl Gibson of the Nowata County District Court as a defendant means that his case is removable as it has been “commenced against an officer of the Courts of the United States.” *Id.* at 3 (capitalization corrected). He has moved to file *in forma pauperis*. Dkt. 2.

Mr. Vann has previously attempted to remove this case to the Northern District of Oklahoma. *See Vann v. Ebbs*, No. 22-cv-266-GKF-CDL (N.D.

¹ Since Mr. Vann proceeds *pro se*, the Court must construe his pleadings liberally. *Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Gaines v. Stenseng*, 292 F.3d 1222, 1224 (10th Cir. 2002). But the Court must not “assume the role of [his] advocate” while doing so. *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

APPENDIX D

No. 26-cv-189

he files similarly frivolous notices of removal in the future he may be subjected to filing restrictions.

DATED this 2d day of April 2026.

A handwritten signature in black ink, appearing to read "John D. Russell", written over a horizontal line.

JOHN D. RUSSELL
United States District Judge



DEC 10 2025

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA SELDEN JONES
CLERK

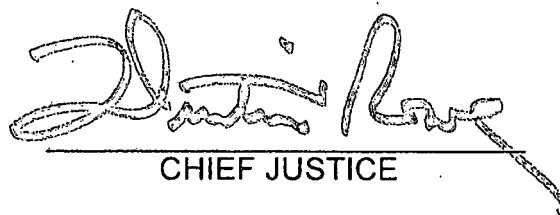
Wednesday, December 10, 2025

APPENDIX E

THE CLERK IS DIRECTED TO ENTER THE FOLLOWING ORDER
OF THE COURT:

123,587 - TONY LAMAR VANN v. THE HONORABLE CARL G. GIBSON,
Judge of the District Court of Nowata County, Oklahoma

The respondent, by and through the real party in interest is directed to respond to the Application to Assume Original Jurisdiction and Petition for Writs of Mandamus not later than January 5, 2026. Oral argument is not contemplated. Okla. Supreme Court Rule 1.191(g), 12 O.S.2021, app. 1.


CHIEF JUSTICE

APPENDIX E

**Additional material
from this filing is
available in the
Clerk's Office.**