

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

In re:

EDWARD HOWARD KELL, JR.,

Movant.

No. 07-6195
(D.C. No. 00-cr-25-R)

ORDER

Filed October 9, 2007

Movant Edward Howard Kell, Jr., a federal prisoner appearing pro se, filed a motion in the district court that constituted an attempt to file a second or successive 28 U.S.C. § 2255 motion. Because Mr. Kell had not obtained authorization from this court in accordance with 28 U.S.C. § 2255 para. 8 and 28 U.S.C. § 2244(b)(3) before filing the motion, the district court transferred the motion to this court on August 15, 2007. *See Coleman v. United States*, 106 F.3d 339, 341 (10th Cir. 1997) (per curiam) (directing district courts to transfer unauthorized second or successive § 2255 motions to this court in the interest of justice pursuant to 28 U.S.C. § 1631).

On August 29, 2007, Mr. Kell was sent written notice by this court giving him thirty days to file a motion in this court for authorization to file a second or

successive § 2255 motion. That deadline was later extended to October 5, 2007.

To date, Mr. Kell has not filed the requested motion for authorization.

Accordingly, the matter is DISMISSED.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker".

ELISABETH A. SHUMAKER, Clerk