

March 4, 2009

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
Elisabeth A. Shumaker
Clerk of Court

RAYFEAL R. NUNN,

Petitioner - Appellant,

v.

HOYT BRILL, Warden of CCA; THE
ATTORNEY GENERAL OF THE
STATE OF COLORADO,

Respondents - Appellees.

No. 08-1459
(D.C. No. 1:08-CV-02061-ZLW)

ORDER

On February 10, 2009, the court wrote appellant a letter directing him to pay the filing fee (or file a motion to proceed without prepayment of the costs and fees) and file the opening brief within 10 days of the date of the letter. To date, appellant has failed to file the documents. Accordingly, this case is dismissed for failure to prosecute. See 10th Cir. R. 3.3(B) and 10th Cir. R. 42.1. A copy of this order shall serve as the mandate of the court.

Entered for the Court,



ELISABETH A. SHUMAKER, Clerk