

UNITED STATES COURT OF APPEALS

May 23, 2008

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

In re:

BOBBY FITZGERALD PRINCE, SR.,

Movant.

No. 08-6079
(D.C. No. 5:04-CR-04-189-L)
(W.D. Okla.)

ORDER

Bobby Fitzgerald Prince, Sr., a federal prisoner, 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. Prince had not obtained authorization from this court in accordance with 28 U.S.C. § 2255(h) and § 2244(b)(3) before filing the motion, the district court transferred the motion to this court on April 3, 2008. *See Coleman v. United States*, 106 F.3d 339, 341 (10th Cir. 1997) (per curiam) (permitting 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 April 9, 2008, Mr. Prince 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 May 16, 2008.

To date, Mr. Prince 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