

April 21, 2009

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

FOR THE TENTH CIRCUIT

In re:

BOBBY FITZGERALD PRINCE, SR.,

Movant.

No. 09-6039

(D.C. No. 5:04-CR-00189-L-1)

(W.D. Okla.)

ORDER

Movant Bobby Fitzgerald Prince, Sr., a federal prisoner, filed a motion in the district court that constituted an attempt to file an unauthorized second or successive 28 U.S.C. § 2255 motion. Because Mr. Prince had not obtained prior authorization from this court to file such a petition, 28 U.S.C. § 2255(h) and § 2244(b)(3), the district court transferred the motion to this court on February 27, 2009. *See In re Cline*, 531 F.3d 1249, 1253 (10th Cir. 2008) (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 March 2, 2009, this court sent Mr. Prince written notice 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 April 15, 2009.

To date, Mr. Prince has not filed any motion for authorization.

Accordingly, the matter is DISMISSED.

Entered for the Court,

A handwritten signature in cursive script that reads "Elisabeth A. Shumaker". The signature is written in black ink and is positioned above a horizontal line.

ELISABETH A. SHUMAKER, Clerk