

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**May 5, 2011**

**FOR THE TENTH CIRCUIT**

**Elisabeth A. Shumaker  
Clerk of Court**

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MONTGOMERY CARL AKERS,

Plaintiff - Appellant,

v.

MICHAEL SHUTE, U.S. Marshal  
Supervisor; CHRISTOPHER JOHNSON,  
U.S. Marshal Deputy; KIM I. MARTIN,  
Assistant U.S. Attorney, a/k/a Kim M.  
Berger, a/k/a Kim M. Fowler; JAMES  
KESZEI, FBI Special Agent,

Defendants - Appellees.

No. 11-3112  
(D.C. No. 5:08-CV-03106-SAC)  
(D. of Kansas)

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**ORDER**

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On April 15, 2011, the court entered an order directing Appellant to show cause as to why this appeal should not be dismissed for failure to pay the filing fees in advance because Appellant is subject to the Prison Litigation Reform Act's "three strikes" provision. 28 U.S.C. § 1915(g). We note that on April 28, 2011, Appellant filed a motion for a limited remand, to which Appellees filed a response. But Appellant's motion is not responsive to the April 15 order to show cause. We warned Appellant in the order to show cause that failure to respond to the order could result in dismissal of the appeal without further notice.

Because no response was filed to the April 15 order to show cause, this appeal is dismissed. 10th Cir. R. 3.3(B), 42.1. A copy of this order shall stand as and for the mandate of this court.

All pending motions are denied as moot.

Entered for the Court,  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script that reads "Lara Smith".

by: Lara Smith  
Counsel to the Clerk