

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

February 6, 2013

Elisabeth A. Shumaker  
Clerk of Court

LINDA MICHAEL,

Plaintiff-Appellant,

v.

MILLICENT NEWTON-EMBRY,  
Warden; ANGELA JOHNSON, Case  
Mgr; RICHARD ARNOLD,  
Captain/Misconduct Investigator; JOHN  
CAROTHERS, Faith & Character  
Provider; DEBBIE MORTON, Director's  
Designee; OLA ONAJOB, Unit Mgr;  
SALLY TAYLOR, Case Mgr; THOMAS  
UZUEGBUNEM, Case Mgr; DENNIS  
GRIFFITH, DHO Officer; CATHY  
CONRAD, Faith & Character Facilitator;  
KAREN JOHNSON, DHO Officer,  
STATE OF OKLAHOMA, OFFICE OF  
THE OKLAHOMA ATTORNEY  
GENERAL,

Defendants-Appellees.

-----  
MIKE MURRY, Deputy Warden,

Defendant.

No. 12-6129  
(D.C. No. 5:10-CV-01064-F)  
(W.D. Okla.)

---

ORDER

---

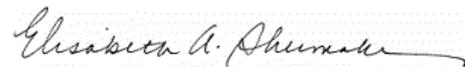
Before **KELLY, McKAY, and O'BRIEN**, Circuit Judges.

---

On January 9, 2012, we issued an order determining that plaintiff-appellant Linda Michael's appeal was frivolous, denying her motion for leave to proceed on appeal without prepayment of costs or fees, and directing her to pay the full filing and docketing fees to the Clerk of the District Court within twenty days. She has made a small partial payment, but she has not paid the full amount of the fees as directed.

Accordingly, the appeal is dismissed for failure to prosecute. This dismissal counts as a strike under 28 U.S.C. § 1915(g). *See Hafed v. Fed. Bureau of Prisons*, 635 F.3d 1172, 1179 (10th Cir. 2011) (holding that a circuit court's dismissal of a prisoner's appeal for failure to prosecute was a strike where the circuit court's prior denial of in forma pauperis status on the basis of frivolousness was "the 'but for' cause of that court's subsequent dismissal").

Entered for the Court



ELISABETH A. SHUMAKER, Clerk