

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

June 16, 2017

Elisabeth A. Shumaker
Clerk of Court

ROBERT E. COTNER,

Petitioner - Appellant,

v.

STATE OF OKLAHOMA,

Respondent - Appellee.

No. 17-6120
(D. C. No. 5:16-CV-00851-M)
(W.D. Okla.)

ORDER

By order entered May 19, 2017, the court directed the appellant to file a response to two procedural matters. First, the appellant had not complied with this court's filing restrictions as provided in *Cotner v. Boone*, No. 01-7096, 48 F. App'x 287 (10th Cir. Sept. 13, 2002) (unpublished). Second, we noted that this is an appeal from a prisoner civil rights case, so the appellant was likely required to prepay the appellate filing fees before continuing with the appeal because he has accumulated three "strikes" under the Prison Litigation Reform Act, 28 U.S.C. § 1915(g). Importantly, we warned the appellant that "[f]ailure to respond to, or failure to comply in any way with, this order to show cause may be grounds for dismissal without further notice. 10th Cir. R. 3.3(B), 42.1."

The appellant submitted two documents on June 2, 2017: "Objection-to-Order" and "To-Chief-Judge-Motion-to-Sanction-and-Compell [sic]-Payment-of-Fees." Neither of these documents demonstrates compliance or even attempts to comply with the court's

filing restrictions requirements or presents any viable argument that § 1915(g) does not apply to this appeal. The appellant has submitted no other documents captioned for this appeal since June 2, 2017. And the deadline for responding to the May 19, 2017 order to show cause has expired.

Since the appellant failed to respond to the challenges made in the court's May 2, 2017 order, we deem the appellant's response to be incomplete and nonresponsive to our May 2, 2017 order to show cause. Accordingly, the captioned appeal is dismissed for lack of prosecution. 10th Cir. R. 3.3(B) & 42.1.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by: Lara Smith
Counsel to the Clerk