

December 8, 2009

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

FOR THE TENTH CIRCUIT

ERNEST WEST,

Plaintiff - Appellant,

v.

DENVER COUNTY JAIL WARDEN;
DENVER RECEPTION &
DIAGNOSTIC WARDEN; SGT.
HARRIS, D.R.D.C. Infirmary; BUENA
VISTA MTN. CT. WARDEN; SGT.
DWYER, B.V.M.C.; STERLING
CORRECTION FACILITY WARDEN
MILYARD; JOE ORTIZ, Executive
Director,

Defendants - Appellees.

No. 08-1093

(D.C. No. 1:07-CV-00226-REB-KLM)

ORDER

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

This matter is before the court on appellant's *Motion To Extend To Proceed In Forma Pauperis*. We review that motion in light of our order of June 16, 2009 and upon careful review of Mr. West's request. Upon consideration, the request to extend is denied. Per our June 16 order, this appeal is dismissed for failure to prosecute and for failure to pay the filing fee in a timely fashion. See 10th Cir. R. 3.3(B); 10th Cir. R. 42.1.

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

Entered for the Court,

A handwritten signature in black ink, reading "Elisabeth A. Shumaker", with a long horizontal flourish extending to the right.

ELISABETH A. SHUMAKER
Clerk of Court