

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

June 14, 2010

Elisabeth A. Shumaker
Clerk of Court

JOHN ROBERT DEMOS, JR.,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

No. 10-4089
(D.C. No. 2:10-CV-00285-DAK)

ORDER

Plaintiff John Robert Demos, proceeding *pro se*, seeks to appeal the district court's April 7, 2010 Order denying *in forma pauperis* in his civil rights action against the United States of America.

Plaintiff Demos is under filing restrictions in this circuit. *See Demos v. Keating*, 33 F. App'x 918 (10th Cir. Jan. 30, 2002). Per these restrictions, Plaintiff can not proceed *pro se* in this court unless he first obtains leave to do so.

In a May 7, 2010 Order, this court directed Plaintiff Demos to follow the required procedures set forth in *Demos v. Keating* for obtaining leave to proceed *pro se*. The May order warned Plaintiff that failure to fully comply with the court's filing-restriction requirements in any way would result in dismissal of this appeal without further notice.

The May 7, 2010 Order also directed Plaintiff to show cause why this appeal should not be dismissed for failure to prepay the full filing fee as required by 28 U.S.C. § 1915(g).

In response to the May 7, 2010 Order, Plaintiff submitted a document entitled “petition/motion requesting leave to file a pro-se pleading,” which the court has construed as a petition for leave to proceed *pro se*. This petition, however, is not in compliance with the court’s order imposing filing restrictions and does not address the filing fee issue.

Accordingly, the appeal is **DISMISSED** for failure to prosecute. *See* 10th Cir. R. 42.1. All pending motions are **DENIED**. The mandate shall issue forthwith.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a long horizontal flourish.

Elisabeth A. Shumaker, Clerk