

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**April 3, 2012**

**Elisabeth A. Shumaker**  
**Clerk of Court**

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BRIAN L. BROWN,

Plaintiff - Appellant,

v.

No. 11-3377  
(D.C. No. 5:06-CV-03003-JTM)

MICHAEL GRAY, Program Case  
Manager, Alpha Unit, USP-Leavenworth,  
in his official capacity; ERIC RUSH; S.  
WHEELER; J. HARSHA; M. RUSSELL;  
N. HALL; D. HUBBARD; C.  
MATHEWS; M. GUTIERREZ; L.  
SCHLAK; M. CARVAJAL; N. APONTE;  
E. J. GALLEGOS; P. RUSH; GERARDO  
ROSALEZ; LLOYD RUSH; SIMON  
JONES; MATTHEW GUM;  
LAWRENCE HOWARD; JOSEPH  
GULLEY; DALE THOMPSON; EARL  
GENTER; TOM RUSH,

Defendants - Appellees.

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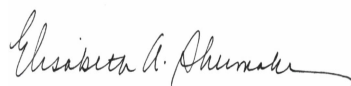
**ORDER**

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Brian Brown was directed to pay the full \$455.00 filing fee for this appeal into the district court on or before April 2, 2012. He did not comply with this directive. Instead, he tendered to this court a renewed motion seeking leave to proceed without prepayment of the filing fee. As Mr. Brown is well aware, he is a “three-striker” under the Prison Litigation

Reform Act and has already been found ineligible to proceed without prepayment of the filing fee in this case. This attempted appeal is dismissed pursuant to 10<sup>th</sup> Cir. R. 3.3(B) and 10<sup>th</sup> Cir. R. 42.1 for failure to pay the filing fee and failure to prosecute. A copy of this order shall stand as and for the mandate of this court.

Entered for the Court

A handwritten signature in black ink, reading "Elisabeth A. Shumaker". The signature is written in a cursive style with a long horizontal flourish at the end.

ELISABETH A. SHUMAKER, Clerk