

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

April 25, 2012

**Elisabeth A. Shumaker
Clerk of Court**

JOHN ERNEST DADE,

Plaintiff - Appellant,

v.

LEO GRIFFARD, CJA Appointed
Counsel; STEVEN RICHERT, Federal
Public Defender; JAMES PETERS,
AUSA/Federal Prosecutor; PENNY
NORTH, Idaho State County Prosecutor;
WINMILL, USDC-IDP Judge/Witness
Only; RICH WORMS, FBI Agent in this
case,

Defendants - Appellees.

No. 12-1020
(D.C. No. 1:11-CV-03177-LTB)

ORDER

Contrary to the express directions from this court, the appellant in this case has neither paid the filing fees to the district court nor has he filed a compliant motion seeking leave to proceed in this prisoner civil rights appeal without prepayment of the filing fees. The court advised the appellant previously that failure to pay the fees or file a fully compliant motion for leave to proceed on appeal without prepayment of the filing fees might result in dismissal of this appeal. Accordingly, this appeal is dismissed for failure to prosecute; specifically, for failure to pay the fees or file a compliant form requesting leave to pay the fees in partial payments. 10th Cir. R. 3.3(B); 42.1.

In light of the dismissal of this appeal, the appellant's "Motion to Inform the Court" is denied as moot. The appellant should note, however, that a prisoner's responsibilities for payment of the filing fees are different in civil rights cases like this one than in habeas corpus appeal like Case No. 11-1501, *Dade v. Wands*. See 28 U.S.C. § 1915(a), (b); see also McIntosh v. United States Parole Comm'n, 115 F.3d 809, 812 (10th Cir. 1997) (§ 2241 proceedings exempted from "civil action" filing fee requirements stated in 28 U.S.C. § 1915(a) & (b)).

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by: Lara Smith
Counsel to the Clerk