

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

March 12, 2019

Elisabeth A. Shumaker
Clerk of Court

KENNETH R. RUSSELL, JR.,

Petitioner - Appellant,

v.

JOE ALLBAUGH,

Respondent - Appellee.

No. 19-6017
(D.C. No. 5:18-CV-00379-F)
(W.D. Okla.)

ORDER

On February 8, 2019, this court directed pro se appellant Kenneth R. Russell, Jr. to file a written response on or before March 1, 2018, addressing why the court should not dismiss this appeal for lack of appellate jurisdiction due to Mr. Russell's untimely filing of the notice of appeal. The order specifically advised Mr. Russell that "[f]ailure to timely respond to this order may result in the dismissal of this appeal without further notice pursuant to 10th Cir. R. 42.1." [2/8/19 Order at 2]. Mr. Russell did not respond as directed. Accordingly, the court dismisses this appeal for lack of prosecution. *See* 10th Cir. R. 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: Lisa A. Lee
Counsel to the Clerk