

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

May 15, 2020

Christopher M. Wolpert
Clerk of Court

LUKE IRVIN CHRISCO,

Plaintiff - Appellant,

v.

JOHN SCOLERI, et al.,

Defendants - Appellees.

No. 20-1103
(D.C. No. 1:17-CV-00810-RM-MEH)
(D. Colo.)

ORDER

On March 24, 2020, this court entered an order identifying three or more civil actions or appeals that appellant Luke Irvin Chrisco previously filed in federal court that were “dismissed on the grounds that [they were] . . . frivolous, malicious, or fail[ed] to state a claim upon which relief may be granted,” *i.e.* “strikes” under the Prison Litigation Reform Act (PLRA). *See* 28 U.S.C. § 1915(g); *Strope v. Cummings*, 653 F.3d 1271, 1273 (10th Cir. 2011). Accordingly, the court directed Mr. Chrisco—on or before April 20, 2020—to show cause why: (1) the court should not dismiss this appeal due to his failure to prepay the entire appellate filing fee as PLRA requires; or (2) the provisions of PLRA do not apply to this proceeding. The court specifically advised Mr. Chrisco that, failure to timely respond or, alternatively, to timely pay the fee, would result in the dismissal of his appeal without further notice for failure to prosecute. On Mr. Chrisco’s motion, the court later extended Mr. Chrisco’s response deadline to May 5, 2020 and again advised him

that failure to timely response would result in the dismissal of his appeal without further notice for failure to prosecute.

This matter is now before the court because Mr. Chrisco did not timely response to the court's March 24, 2020 order and has not paid the appellate filing fee to the district court. Accordingly, the court dismisses Mr. Chrisco's appeal for lack of prosecution. *See* 10th Cir. R. 3.3(B) and 42.1.

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

Entered for the Court
CHRISTOPHER M. WOLPERT, Clerk

A handwritten signature in black ink, appearing to read "LA Lee", is written over the printed name of Lisa A. Lee.

by: Lisa A. Lee
Counsel to the Clerk