

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03189-BNB

ANDRE J. TWITTY, also known as
A. J. TWITTY, also known as
ANDRE TWITTY,

Plaintiff,

v.

JAMES ALLISON, et al.,

Defendant.

ORDER OF DISMISSAL

Applicant, Andre J. Twitty, also known as A. J. Twitty and as Andre Twitty, is a prisoner in the custody of the United States Bureau of Prisons who currently is incarcerated at the United States Penitentiary, Administrative Maximum, in Florence, Colorado. On November 20, 2013, he submitted to the Court *pro se* a motion titled "Motion to Proceed In Forma Paupers, Brief In Support" (ECF No. 1). For the reasons stated below, the motion will be denied, and the action dismissed.

Mr. Twitty has been permanently enjoined from filing any new actions in this Court without the representation of a licensed attorney admitted to practice in the United States District Court for the District of Colorado, unless he first obtains the Court's permission to proceed *pro se*. See *Twitty v. Davis*, No. 10-cv-02309-ZLW, 2011 WL 6283541 (D. Colo. Oct. 27, 2010) (not published), *aff'd*, No. 10-1525, 2011 WL 117143 (10th Cir. Jan. 14, 2011) (not published). On March 8, 2011, the mandate was entered

in the United States Court of Appeals for the Tenth Circuit.

In order to obtain permission to proceed *pro se*, Mr. Twitty must take the following steps outlined in the sanction order in No. 10-cv-02309-ZLW:

1. File with the clerk of this Court a motion requesting leave to file a *pro se* action.
2. Include in the motion requesting leave to file a *pro se* action the following information:
 - A. A list of all lawsuits currently pending or filed previously in the District of Colorado, including the name, number, and citation, if applicable, of each case, and the current status or disposition of each case; and
 - B. A statement of the legal issues to be raised in the proposed new pleading and whether he has raised the same issues in other proceedings in the District of Colorado. If so, he must cite the case number and docket number where the legal issues previously have been raised.
3. Submit the proposed new pleading to be filed in the *pro se* action.

No. 10-cv-02309-ZLW at 10-11, 2011 WL 6283541 at *5. He has failed to do so.

Finally, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status will be denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Mr. Twitty files a notice of appeal he must also pay the full \$455.00 appellate filing fee or file a motion to proceed *in forma pauperis* in the United States Court of Appeals for the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24.

Accordingly, it is

ORDERED that the motion titled “Motion to Proceed In Forma Pauperis, Brief In Support” (ECF No. 1) is denied and the action dismissed without prejudice because Applicant, Andre J. Twitty, is not represented by a licensed attorney admitted to practice in the United States District Court for the District of Colorado, and he has failed to comply with the steps outlined in *Twitty v. Davis*, No. 10-cv-02309-ZLW, 2010 WL 6283541 (D. Colo. Oct. 27, 2010) (not published), in order to obtain the Court’s permission to proceed *pro se*. It is

FURTHER ORDERED that leave to proceed *in forma pauperis* on appeal is denied. It is

FURTHER ORDERED that any other pending motions are denied as moot.

DATED at Denver, Colorado, this 25th day of November, 2013.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court