

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Twitty v. United States

Civil Action No. 25-cv-02584-CYC · No. 25-cv-02584-CYC · Decided March 6, 2026

SUMMARY

The United States District Court for the District of Colorado enforces filing restrictions previously imposed on Andre J. Twitty and dismisses his pro se civil action without prejudice. The court finds that Twitty failed to comply with the required procedure for initiating an action despite being subject to those restrictions. The court also vacates the status conference, denies in forma pauperis status for an appeal without prejudice, and directs the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Cyrus Y. Chung
JURISDICTION	United States District Court for the District of Colorado
DECIDED	March 6, 2026
DOCKET	25-cv-02584-CYC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The plaintiff filed a pro se prisoner complaint without first complying with filing restrictions previously imposed against him. The court considered the defendant's motion to enforce those restrictions and dismissed the action without prejudice.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Andre J. Twitty v. United States of America

TOPICS

- sanctions
- pleadings
- civil procedure
- appellate procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- prisoner litigation

QUESTIONS PRESENTED

- Whether the court should enforce the prior filing restrictions against Twitty.

2. Whether Twitty's complaint and action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to comply with the filing restrictions.
3. Whether Twitty should be denied leave to proceed in forma pauperis on appeal because an appeal would not be taken in good faith.

HOLDINGS

1. The court enforced the filing restrictions imposed in *Twitty v. Daniels* because Twitty filed this pro se action without completing the required leave-to-file process and disclosures.
2. The action was dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because Twitty failed to comply with the sanction order restricting his ability to file pro se actions in the District of Colorado.
3. The court denied leave to proceed in forma pauperis on appeal because it certified that any appeal from the order would not be taken in good faith, while leaving Twitty free to seek in forma pauperis status from the Tenth Circuit.

KEY QUOTATIONS

“It is further ORDERED that this action is DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 41(b) because the plaintiff failed to comply with the sanction order restricting his ability to file pro se actions in the District of Colorado.”

FACTUAL BACKGROUND

Andre J. Twitty, a state prisoner housed in Georgia, filed a pro se prisoner complaint in the District of Colorado. A prior District of Colorado order in *Twitty v. Daniels* barred him from filing a civil action in the district unless he first sought leave, disclosed specified prior and pending lawsuits and related legal issues, and submitted the proposed pleading. Twitty did not comply with those filing restrictions before initiating this action.

PROCEDURAL HISTORY

Twitty filed a pro se prisoner complaint on August 18, 2025, opening this civil action. The court determined that a prior sanction order required him to seek leave and provide specified information before filing a new pro se action in the District of Colorado. Because he did not comply, the court enforced the restrictions, dismissed the action under Federal Rule of Civil Procedure 41(b), vacated the status conference, and denied in forma pauperis status for any appeal without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Twitty v. Daniels*, No. 10-cv-02309-ZLW, ECF No. 7 at 5–7 (D. Colo. Oct. 27, 2010)
- *Twitty v. Daniels*, 412 F. App’x 110, 112–13 (10th Cir. 2011)

- *Coppedge v. United States*, 369 U.S. 438 (1962)

OPINION

Twitty

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Civil Action No. 25-cv-02584-CYC

ANDRE J. TWITTY,

Plaintiff, v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

Cyrus Y. Chung, United States Magistrate Judge. This matter is before the Court on the Motion to Enforce Filing Restrictions, to Vacate Scheduling Conference and Related Deadlines, and to Extend Deadline to Respond to Plaintiff's Complaint, ECF No. 39. Plaintiff Andre J. Twitty is in the custody of the State of Georgia, currently housed in the Coffee County Jail in Douglas, Georgia. On August 18, 2025, the plaintiff filed pro se a prisoner complaint, ECF No. 1. As a result, this civil action was opened. But the plaintiff is enjoined from filing a civil action in this District unless he complies with the requirements of the filing restrictions imposed in *Twitty v. Daniels*, No. 10-cv-02309-ZLW, Order Dismissing Case and Imposing Sanctions, ECF No. 7 (D. Colo. Oct. 27, 2010); see also *Twitty v. Daniels*, 412 F. App'x 110, 112–13 (10th Cir. 2011) (imposing filing restrictions in the United States Court of Appeals for the Tenth Circuit). To file an action in this Court the plaintiff must first take the following steps:

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 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 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.

Twitty v. Daniels, No. 10-cv-02309-ZLW, ECF No. 7 at 5–7 (D. Colo. Oct. 27, 2010). The plaintiff is not represented by counsel in this action, and he has failed to comply with the filing restrictions to initiate an action pro se. Therefore, the complaint, ECF No. 1, and this action will be dismissed. The Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order is not

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 the plaintiff files a notice of appeal, he must pay the full 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 Federal Rule of Appellate Procedure 24. For the foregoing reasons, it is hereby ORDERED that the Motion to Enforce Filing Restrictions, to Vacate Scheduling Conference and Related Deadlines, and to Extend Deadline to Respond to Plaintiff's Complaint, ECF No. 39, is GRANTED to the extent it asks the Court to enforce the plaintiff's filing restrictions. It is further ORDERED that this action is DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 41(b) because the plaintiff failed to comply with the sanction order restricting his ability to file pro se actions in the District of Colorado. It is further ORDERED that the March 12, 2026 Status Conference is VACATED. It is further ORDERED that leave to proceed in forma pauperis on appeal is DENIED without prejudice to the filing of a motion seeking leave to proceed in forma pauperis on appeal in the United States Court of Appeals for the Tenth Circuit. The Clerk of the Court is directed to close this case. Dated this 6th day of March, 2026, at Denver, Colorado. BY THE COURT: Cyrus Y. Chung United States Magistrate Judge