

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

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