

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

December 28, 2023

Christopher M. Wolpert
Clerk of Court

WADE LAY,

Plaintiff - Appellant,

v.

CHRISTIE QUICK, Warden at O.S.P.,

Defendant - Appellee.

No. 23-7085

(D.C. No. 6:23-CV-00326-Raw-DES)
(E.D. Okla.)

ORDER

This appeal is dismissed for lack of prosecution pursuant to Tenth Circuit Rules 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

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

WADE LAY,)
v.)
Plaintiff,)
)
CHRISTIE QUICK,)
Defendant.)
)
No. CIV 23-326-Raw-Des

OPINION AND ORDER

On September 25, 2023, Plaintiff Wade Lay, a death-sentenced state prisoner, filed this action titled “Impediment Clause Impetus” in the United States District Court for the Western District of Oklahoma (Dkt. 1). While Plaintiff alleged this action falls under the habeas statutes, 28 U.S.C. § 2244 and 28 U.S.C. § 2255, the Western District construed the action as arising under 42 U.S.C. § 1983 (Dkt. 5 at 1). The Western District found Plaintiff was alleging that prison officials were denying him access to the courts with respect to his upcoming competency hearing and his filing a petition for a writ of habeas corpus. *Id.* Because Plaintiff is incarcerated in the Eastern District of Oklahoma, the case was transferred to this district. *Id.*

ACCORDINGLY, Plaintiff is directed to submit within twenty (20) days a proper civil rights complaint pursuant to 42 U.S.C. § 1983 on this Court's form, along with a motion for leave to proceed *in forma pauperis* or \$402.00 for the filing fee. The Court Clerk is directed to send Plaintiff the proper forms for proceeding in this action. Failure to comply with this Order will result in dismissal of this action without further notice.

IT IS SO ORDERED this 31st day of October 2023.


Ronald A. White
United States District Judge
Eastern District of Oklahoma

**Additional material
from this filing is
available in the
Clerk's Office.**