

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

TOM J. FRYE,)	
)	
Plaintiff,)	4:98CV3105
)	
v.)	
)	
YOUNG MEN'S CHRISTIAN)	
ASSOCIATION of Lincoln,)	
Nebraska,)	
)	
Defendant.)	
)	
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TOM J. FRYE,)	
)	
Plaintiff,)	4:08CV3114
)	
v.)	
)	
YMCA CAMP KITAKI and RUSS)	ORDER
KOOS, Program Director,)	
)	
Defendants.)	
)	
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This matter is before the Court after plaintiff filed a notice of appeal in 4:08CV3114. Plaintiff's complaint was treated as a motion for contempt and was directed to be filed in 4:98CV3105, a case previously filed by plaintiff involving the same issues.

On July 20, 2009, a memorandum opinion, together with an order and judgment (Filing Nos. 81 and 82) were filed, wherein plaintiff's motion for contempt was denied in 4:98CV3105. On August 10, 2009, a memorandum opinion, together with an order and judgment (Filing Nos. 8 and 9), were entered in 4:08CV3114,

dismissing this action because plaintiff did not prevail on the motion for contempt.

On August 19, 2009, plaintiff filed a notice of appeal in 4:08CV3114. Not realizing there were two separate cases, plaintiff intended to appeal the denial of the motion for contempt in 4:98CV3105. Accordingly,

IT IS ORDERED that the notice of appeal filed in 4:98CV3105 is deemed timely filed, and no additional filing fee is necessary.

DATED this 8th day of September, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court