

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

CHARLES MELANDO,)	
)	
Petitioner,)	4:09CV3177
)	
v.)	
)	
DENNIS BAKEWELL, Warden;)	ORDER
CHADRON COMMUNITY HOSPITAL;)	
C.A. SUTERA, M.D.,)	
)	
Respondents.)	
_____)	

This matter is before the Court on its own motion. The above-captioned matter has been provisionally filed on August 18, 2009 (Filing No. [1](#)). However, due to certain technical defects, the petition cannot be further processed until such defects are corrected. To assure further consideration of the petition, petitioner must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Petitioner has failed to include the \$5.00 filing fee. Petitioner has the choice of either tendering the \$5.00 fee to the clerk of the court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof. If petitioner chooses to do the latter, the enclosed pauper's forms should be completed and returned to this Court. The Court notes that petitioner was previously granted in forma pauperis status in a separate case (Case No. 8:09CV139, Filing No. [6](#)).

However, petitioner must request leave to proceed in forma pauperis in each case.

IT IS ORDERED:

1. Petitioner is directed to correct the above-listed technical defect in the petition on or before September 29, 2009.

2. Failure to comply with this order will result in dismissal of this matter without further notice.

3. The clerk of the court send to petitioner the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

DATED this 10th day of September, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court