

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KENNETH W. CLARK,)	
)	
Plaintiff,)	4:10CV3045
)	
v.)	
)	
JAMES,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiff’s motion for decision and appeals (Filing No. [20](#)) and motion for leave to proceed in forma pauperis (“IFP”) (Filing No. [21](#)). The Court will address each motion in turn.

I. Motion for Decision and Appeals

In his motion for decision and appeals, plaintiff states that he “would very much appreciate a speedy trial.” However, the Court dismissed this matter and entered judgment against plaintiff on July 2, 2010 (Filing Nos. [16](#) and [17](#)). Therefore, plaintiff’s motion for decision and appeals will be denied as moot.¹

¹ To the extent that plaintiff intended his motion for decision and appeals to act as a notice of appeal, his motion is also denied. Plaintiff filed his motion more than thirty days after the Court entered judgment in this matter. (See Docket Sheet.) [Federal Rule of Appellate Procedure 4\(a\)\(1\)](#) requires that the notice of appeal in a civil case be filed within thirty days after judgment is entered. “A timely notice of appeal is both mandatory and jurisdictional.” [Burgs v. Johnson County, Iowa, 79 F.3d 701, 702 \(8th Cir. 1996\)](#).

II. Motion for Leave to Proceed IFP

Plaintiff also seeks leave to proceed IFP in this matter (Filing No. [21](#).) However, the Court previously granted plaintiff leave to proceed IFP (Filing No. [7](#)). As discussed above, the Court dismissed this matter and entered judgment against plaintiff on July 2, 2010 (Filing Nos. [16](#) and [17](#).) Therefore, plaintiff's motion for leave to proceed IFP will also be denied as moot.²

IT IS ORDERED that plaintiff's motion for decision and appeals (Filing No. [20](#)) and motion for leave to proceed IFP (Filing No. [21](#)) are denied.

DATED this 31st day of August, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

² To the extent that plaintiff intended his motion for leave to proceed IFP to act as a motion for leave to appeal IFP, his motion is denied. As discussed above, plaintiff failed to file a notice of appeal within thirty days after judgment was entered in this matter.

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