

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER M. PAYNE,)	
)	
Plaintiff,)	4:11CV3017
)	
v.)	
)	
FRED BRITTEN, et al.,)	ORDER
)	
Defendants.)	
)	

On November 18, 2015, and upon Plaintiff's filing of a Notice of Appeal (Filing [152](#)) and Motion for Leave to Proceed in Forma Pauperis on Appeal (Filing [153](#)), I advised Plaintiff that the filing a notice of appeal means he will be consenting to the deduction of a \$505.00 appellate filing fee from his prison account by prison officials. (Filing [155](#).) I further advised Plaintiff that if he wishes to withdraw his Notice of Appeal (Filing [152](#)) and Motion for Leave to Proceed in Forma Pauperis on Appeal (Filing [153](#)), Plaintiff shall inform the court of such withdrawal within 10 days of the date of that order.

Plaintiff has filed a Motion for Extension (Filing [157](#)) of time within which to file his notice of withdrawal, stating that he is negotiating with Defendants regarding a settlement to withdraw Plaintiff's appeal. I shall grant Plaintiff's motion.

IT IS ORDERED:

1. Plaintiff's Motion for Extension (Filing [157](#)) is granted;
2. If Plaintiff wishes to withdraw his Notice of Appeal (Filing [152](#)) and Motion for Leave to Proceed in Forma Pauperis on Appeal (Filing [153](#)), Plaintiff shall

inform the court of such withdrawal on or before January 4, 2016, in the absence of which Plaintiff's appeal shall be processed.

DATED this 2nd day of December, 2015.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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