

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAY S. PETERSON,)	4:11CV3071
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

This matter is before the court on Petitioner Jay S. Peterson's ("Peterson") Notice of Appeal. (Filing No. [19](#).) The court dismissed Peterson's "Petition to Quash IRS Third Party Summons" with prejudice on February 23, 2012. (Filing No. [17](#).) Peterson filed a Notice of Appeal on April 11, 2012, 48 days after the court entered judgment in this matter. (Filing No. [19](#).) The Notice of Appeal is timely filed pursuant to [Federal Rule of Appellate Procedure 4\(a\)\(1\)\(B\)](#). However, Peterson has not submitted an application to proceed in forma pauperis on appeal or paid the appellate filing fee. The court will provide Peterson the opportunity to do so.

IT IS THEREFORE ORDERED that:

1. Petitioner's Notice of Appeal is deemed timely filed.
2. Petitioner shall have until **June 8, 2012**, in which to either pay the \$455.00 appellate filing fee or submit a motion for leave to proceed in forma pauperis on appeal.
3. The Clerk of the court shall send to Petitioner the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

4. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: June 8, 2012: Deadline to submit IFP on appeal or pay filing fee.

DATED this 8th day of May, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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