

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DONNELL KING, )  
 )  
 Plaintiff, ) 4:13CV3061  
 )  
 v. )  
 )  
 ROBERT P. HOUSTON, Director, ) MEMORANDUM AND ORDER  
 DIAN SABATKA-RINE, Warden, )  
 JOANNE HILGERT, Tek Ind. )  
 Supervisor, and C.S.I. )  
 DIRECTOR, )  
 )  
 Defendants. )  
 )

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This matter is before the Court on plaintiff Donnell King's Motion for Subpoena Duces Tecum (Filing No. [6](#)). The above-captioned matter was provisionally filed on March 15, 2013 (Filing No. [1](#)). However, due to certain technical defects, the complaint cannot be further processed. To assure further consideration of the complaint, plaintiff must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Plaintiff has failed to include the \$350.00 filing fee. Plaintiff has the choice of either tendering the \$350.00 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 plaintiff chooses to do the latter, the enclosed pauper's forms should be completed and returned to the Court.

IT IS ORDERED:

1. Plaintiff is directed to correct the above-listed technical defect in the complaint within 30 days of the date of this Memorandum and Order.

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

3. The clerk of the court is directed to send to plaintiff 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:  
April 26, 2013: Check for MIFP or payment.

5. Plaintiff's Motion for Subpoena Duces Tecum (Filing No. 6) is denied without prejudice to reassertion after plaintiff pays the filing fee or submits a request to proceed in forma pauperis.

DATED this 26th day of March, 2013.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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