## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

DALE E. DENOYER,	)	4:13CV3200
Plaintiff,	)	
V.	) )	MEMORANDUM AND ORDER
STATE OF SOUTH DAKOTA, STATE OF NEBRASKA, STATE OF	)	AND ORDER
MISSOURI, and MINNEHAHA COUNTY - SD,	) )	
Defendants.	)	

This matter is before the court on Plaintiff's Motion to Reconsider the court's Memorandum and Order dated December 17, 2013. (Filing No. 9.) Plaintiff argues that he should not be required to pay an initial partial filing fee in this matter because he is a pretrial detainee and the Prison Litigation Reform Act does not apply to pretrial detainees. (*Id.*) Plaintiff is mistaken. The Prison Litigation Reform Act defines a "prisoner" to include someone accused of a crime, and thus, includes pretrial detainees. *See* <u>42 U.S.C. § 1997e(h)</u>. Accordingly,

IT IS THEREFORE ORDERED that: Plaintiff's Motion to Reconsider (Filing No. <u>9</u>) is denied.

DATED this 6<sup>th</sup> day of January, 2014.

BY THE COURT:

Richard G. Kopf Senior United States District Judge

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