

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVAUGHN JOHNSON,	)	4:15CV3049
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
RUSSELL OGG,	)	
	)	
Defendant.	)	

This matter is before the court on its own motion. Plaintiff filed a Complaint (Filing No. [1](#)) on May 7, 2015. However, Plaintiff failed to include the \$400.00 filing and administrative fees. Plaintiff has the choice of either submitting the \$400.00 filing and administrative fees to the clerk’s office or submitting a request to proceed in forma pauperis.<sup>1</sup> Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$400.00 fees to the clerk’s office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

2. The clerk of the court is directed to send to Plaintiff the Form AO240 (“Application to Proceed Without Prepayment of Fees and Affidavit”).

---

<sup>1</sup>If Plaintiff is granted leave to proceed in forma pauperis (“IFP”) in this matter, he will be allowed to pay the court’s \$350 filing fee in installments. *See* [28 U.S.C. § 1915\(b\)\(1\)](#); [In re Tyler, 110 F.3d 528, 529-30 \(8th Cir. 1997\)](#). He would not be subject to the \$50.00 administrative fee assessed to non-IFP plaintiffs.

3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: June 8, 2015: Check for MIFP or payment.

DATED this 8th day of May, 2015.

BY THE COURT:

*s/ John M. Gerrard*  
United States District Judge

---

\*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.