

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID DITTER, )

Plaintiff, )

v. )

NEBRASKA DEPARTMENT OF )

CORRECTIONAL SERVICES, )

SCOTT FRAKES, in his individual & )

official capacity, RANDY T. KOHL, )

MD, in his individual & official )

capacity, CORRECT CARE )

SOLUTIONS, RONALD OGDEN, )

DDS, in his individual & official )

capacity, and LISA MATHEWS, in )

her individual & official capacity, )

Defendants. )

4:16CV3159

**ORDER**

Judgment was entered in this case on May 11, 2018, and Plaintiff filed a Notice of Appeal, along with the \$505.00 appellate filing fee, on June 11, 2018. (Filing Nos. [101](#) & [102](#).) Also on June 11, 2018, Plaintiff filed a Motion for Leave to Appeal In Forma Pauperis. (Filing No. [103](#).) Because Plaintiff’s appellate filing fee has been paid, Plaintiff’s Motion for Leave to Appeal In Forma Pauperis (Filing No. [103](#)) will be denied as moot.

On June 14, 2018, Plaintiff filed a Motion to Appoint Counsel (Filing No. [106](#)). Because this case is now on appeal, this motion will be forwarded to the Eighth Circuit Court of Appeals for ruling. Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion for Leave to Appeal In Forma Pauperis (Filing No. [103](#)) is denied as moot for the reason that Plaintiff's appellate filing fee has been paid;
2. Plaintiff's Motion to Appoint Counsel (Filing No. [106](#)) is referred to the Eighth Circuit Court of Appeals for disposition; and
3. The Clerk of Court shall send a copy of this Order and Plaintiff's Motion to Appoint Counsel (Filing No. [106](#)) to the Eighth Circuit Court of Appeals for disposition.

DATED this 18th day of June, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge