

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LENA LASHER,

Plaintiff,

vs.

NEBRASKA STATE BOARD OF
PHARMACY (NE BOP), State of
Nebraska, Lincoln, Nebraska 68508; and
THOMAS L. WILLIAMS, MD, Chief
Medical Officer Director, Division of
Public Health State of Nebraska
Department of Health and Human
Services Lincoln, Nebraska 68508;

Defendants.

4:17CV3125

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion to Proceed in Forma Pauperis. ([Filing No. 6.](#)) The court has received a certified copy of Plaintiff's trust account information. ([Filing No. 6](#); [Filing No. 7.](#))

During the past six months, Plaintiff's average monthly balance was \$197.08 and her average monthly deposits were \$3,827.60. She contends that her total monthly expenses exceed \$8500. Pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#), Plaintiff must pay an initial partial filing fee in the amount of 20 percent of the greater of her average monthly account balance or average monthly deposits for the six months preceding the filing of the Complaint. Therefore, even if the court were to grant Plaintiff in forma pauperis status, she would be required to pay 20 percent of \$3,827.60, or \$765.52, which is more than the \$400 filing fee for this matter. Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Proceed in Forma Pauperis ([Filing No. 6](#)) is denied.
2. Plaintiff shall pay the \$400.00 filing fee no later than November 17, 2017.
3. Failure to comply with this order will result in dismissal of this matter without further notice.
4. The clerk's office is directed to set a pro se case management deadline using the following text: November 17, 2017: deadline for Plaintiff to pay \$400.00 filing fee.

Dated this 18th day of October, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge