

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSHUA A. PETERSON,)
)
Plaintiff,)

4:17CV3137

v.)

MAGEN DAVIS, Unit Administrator)
Lincoln Correctional Center,)
Individually and in their Official)
Capacities, CAPTION FULLERTON,)
Nebraska State Prison, Individually)
and in their Official Capacities,)
MICHELLE CAPPS, Deputy Warden)
Nebraska State Prison, Individually)
and in their Official Capacities,)
ROBERT MADSEN, Warden)
Nebraska State Prison, Individually)
and in their Official Capacities, UNIT)
ADMINISTRATOR JOHNSTON,)
Nebraska State Prison, Individually)
and in their Official Capacities,)
SALVADOR CRUZ, Unit Manager)
Lincoln Correctional Center,)
Individually and in their Official)
Capacities, and ROWAN TAYLOR,)
Case Manager Lincoln Correctional)
Center, Individually and in their)
Official Capacities,)
)
Defendants.)

**MEMORANDUM
AND ORDER**

Plaintiff filed his Complaint in this matter on October 10, 2017, while he was incarcerated. The court granted Plaintiff leave to proceed in forma pauperis on October 12, 2017, also while he was incarcerated. Plaintiff filed a notice of change of address on February 2, 2018, indicating that he is no longer incarcerated. (See Filing

No. [11](#).) On February 5, 2018, the court ordered that because Plaintiff is no longer incarcerated, he file a new application for leave to proceed in forma pauperis within 30 days if he wishes to continue pursuing this case in forma pauperis. In the alternative, the court ordered that Plaintiff pay the court's \$400.00 filing and administrative fee within 30 days. Plaintiff was warned that "[f]ailure to take either action will result in dismissal of this matter without further notice to Plaintiff." (Filing No. [12](#).) As of the date of this order, Plaintiff has not filed a new application for leave to proceed in forma pauperis, nor has he filed the full \$400.00 filing fee.

IT IS THEREFORE ORDERED that:

1. This case is dismissed without prejudice for failure to file a new request for leave to proceed in forma pauperis or pay the court's \$400.00 filing and administrative fee within 30 days, as ordered by the court on February 5, 2018.
2. Judgment shall be entered by separate document.

DATED this 16th day of March, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge