IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

JESUS BROWN,

Plaintiff,

4:18CV3043

VS.

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES, SCOTT FRAKES, individually and in his official capacity; OFFICER CHAN, individually and in his official capacity; THOMAS SORENSEN, individually and in his official capacity; GARY HUSTAD, individually and in his official capacity; VAUGHAN WENZEL, individually and in his official capacity; and DAN DANAHER, individually and in his official capacity;

MEMORANDUM AND ORDER

Defendants.

This matter is before the court on its own motion. Plaintiff filed a Complaint (Filing No. 1) on March 22, 2018. 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. Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

¹ 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.

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").
- 3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **April 23, 2018**: Check for MIFP or payment.

Dated this 22nd day of March, 2018.

BY THE COURT:

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