

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THOMAS NESBITT,)	
)	
Petitioner,)	4:18CV3057
)	
v.)	
)	
SCOTT FRAKES,)	ORDER
)	
Respondent.)	
)	

This matter is before the court on the Notice of Appeal (filing no. 16) filed by Petitioner on July 16, 2018. Also before the court is a memorandum from the Clerk of the Court requesting a ruling as to Petitioner's authorization to proceed in forma pauperis on appeal. (Filing No. 17.)

Petitioner has failed to include the \$505.00 appellate filing and docket fees. Petitioner has not previously been granted leave to proceed in forma pauperis in the district court in connection with his § 2254 petition. Thus, Fed. R. App. P. 24(a)(3), which continues in forma pauperis status on appeal without further authorization, does not apply. Within 30 days, Petitioner must either submit the \$505.00 filing and docket fees to the clerk's office or submit a request to proceed in forma pauperis. Petitioner's appeal cannot be processed until either the appellate filing fee is paid or the question of Plaintiff's authorization to proceed on appeal in forma pauperis is resolved.

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to submit the \$505.00 fee to the clerk's office or submit a request to proceed in forma pauperis within 30 days.

2. The clerk of the court is directed to send to Petitioner 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: October 11, 2018: Check for MIFP or payment.

DATED this 11th day of September, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge