

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

Plaintiff,

vs.

PETER BATALLION, judge 4th Judicial District of Nebraska; and NAVATIL, atty;

Defendants.

**4:22-CV-3137****MEMORANDUM AND ORDER**

This matter is before the court on its own motion. Plaintiff filed a Complaint on July 18, 2022, which included a request to proceed in forma pauperis. [Filing 1](#). However, Plaintiff's request does not comply with the terms of [28 U.S.C. § 1915](#), the statute authorizing proceedings in forma pauperis. *See 28 U.S.C. § 1915(a)(1)* (requiring the plaintiff to submit "an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor"). Plaintiff has the choice of either submitting the \$402.00 filing and administrative fees to the clerk's office or submitting a request to proceed in forma pauperis that complies with [28 U.S.C. § 1915](#). Failure to take either action within 30 days will result in the court dismissing this case without further notice to Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to submit the \$402.00 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: **August 31, 2022**: Check for MIFP or payment.

Dated this 1st day of August, 2022.

BY THE COURT:



Brian C. Buescher  
United States District Judge