

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTEEN WILLIAMS,

Plaintiff,

vs.

STEUBE,

Defendant.

4:24CV3076

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Plaintiff filed a Notice of Appeal, [Filing No. 2](#), on April 24, 2024. The Notice of Appeal seeks to appeal the Court's February 28, 2024, Order returning materials submitted and signed by Plaintiff Justeen Williams' mother, Earnestine Williams Newson. While the Notice of Appeal is purportedly signed by Plaintiff, the handwriting of the signature appears similar to that of Ms. Newson.¹ *Compare Filing No. 1-1 with Filing No. 2 at 1*. In any case, Plaintiff failed to include the \$605.00 filing and docket fees for the appeal. Plaintiff has the choice of either submitting the \$605.00 filing and docket fees to the Clerk's office or submitting a request to proceed in forma pauperis within 30 days. Plaintiff'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.

Plaintiff should be aware that the Prison Litigation Reform Act ("PLRA") requires prisoner plaintiffs to pay the full amount of the Court's \$605.00 appellate filing fee by making monthly payments to the Court, even if the prisoner is proceeding in forma

¹ The handwriting in the rest of the Notice of Appeal looks similar to that of Billy Tyler, a frequent pro se litigant in this Court with a history of filing documents on behalf of other persons. *Compare Filing No. 2 with Filing No. 11*, Case No. 8:23CV220. See also *State of Neb. ex rel. Comm'n on Unauthorized Practice of Law v. Tyler*, 811 N.W.2d 678 (Neb. 2012) (enjoining Tyler from the unauthorized practice of law).

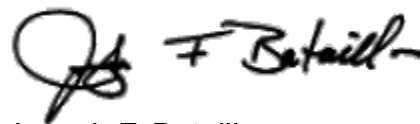
pauperis. 28 U.S.C. § 1915(b). The PLRA “makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal.” *Jackson v. N.P. Dodge Realty Co.*, 173 F. Supp. 2d 951, 952 (D. Neb. 2001) (citing *In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997)). **If Plaintiff did not sign and file the Notice of Appeal and does not want to pursue an appeal, then Plaintiff must inform the Court within 30 days in order to avoid assessment of the appellate filing fee.**

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to notify the Court within 30 days if she did not sign and file the Notice of Appeal and does not want to pursue an appeal.
2. If Plaintiff did sign and file this appeal, then Plaintiff is directed to submit the \$605.00 fees to the Clerk’s office or submit a request to proceed in forma pauperis within 30 days.
3. The Clerk of the Court is directed to send to Plaintiff the Form AO240 (“Application to Proceed Without Prepayment of Fees and Affidavit”).
4. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **May 28, 2024**: Check for Plaintiff’s response regarding Notice of Appeal and MIFP or payment.

Dated this 25th day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized and written in a cursive-like font.

Joseph F. Bataillon
Senior United States District Judge