

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**TYRELL M. CHALUPA,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**CLAY HEATH, in his individual and** )  
**official capacity, and DALE CHANEY,** )  
**in his individual and official capacity,** )  
 )  
**Defendants.** )

**8:06CV8**

**ORDER**

Plaintiff, through counsel, has filed an application to proceed in forma pauperis (#2). The information contained in plaintiff's affidavit demonstrates that he is eligible to proceed in forma pauperis under 28 U.S.C. § 1915.

**IT IS ORDERED:**

1. Plaintiff's application to proceed in forma pauperis (#2) is granted, and the complaint shall be filed without payment of fees.
2. If requested to do so by plaintiff's attorney, the U.S. Marshal shall serve process in this case without prepayment of fees from the plaintiff or security therefor. In making such a request, plaintiff's counsel must complete the Marshal's Form 285, to be submitted to the Marshal with the completed summons forms and copies of the complaint.
3. This order is entered without prejudice to the court later entering an order taxing costs in this case. No one, including any plaintiff, is relieved by this order from the obligation to pay or to reimburse taxable costs after this action is over.

**DATED January 11, 2006.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**