

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

BRYAN S. BEHRENS, et al.,

Defendants.

8:08-CV-13

ORDER

This matter is before the Court on defendant Bryan S. Behrens' notice of appeal (filing [326](#)). The Court denied Behrens' motion for injunctive relief (filing [319](#)) on May 23, 2013, and his motion for reconsideration (filing [321](#)) on June 3. *See* filings [320](#) and [322](#). The notice is timely filed pursuant to [Fed. R. App. P. 4\(a\)\(1\) and \(c\)\(1\)](#) and [28 U.S.C. § 1292\(a\)\(1\)](#). However, Behrens has neither submitted an application to proceed in forma pauperis on appeal in this case or paid the appellate filing fee. The Court will provide Behrens with the opportunity to do so.

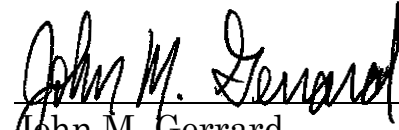
IT IS ORDERED:

1. Behrens' notice of appeal is deemed timely filed.
2. Behrens shall have until July 22, 2013, in which to either pay the \$455 appellate filing fee or submit a motion for leave to proceed in forma pauperis on appeal.
3. The Clerk of the Court shall send Behrens the form [AO240, Application to Proceed in District Court Without Prepaying Fees or Costs](#).
4. Because Behrens is incarcerated, the Clerk of the Court is directed to obtain Behrens' inmate trust account statement.
5. The Clerk of the Court is directed to set a case management deadline in this matter with the following

text: July 22, 2013, Deadline to submit IFP on appeal or  
pay filing fee.

Dated this 20th day of June, 2013.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge