

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GARY A. ZIERKE,)
)
 Plaintiff,)
)
 v.)
)
 JEFF SHELTON, RICK CONRAD,)
 MARK DREHER, and UNITED)
 STATES OF AMERICA,)
)
 Defendants.)
 _____)

8:08CV367

**MEMORANDUM
AND ORDER**

Plaintiff has filed a notice of appeal (Filing [45](#)) and has not submitted the required appeal fee of \$505.00 or filed a motion to proceed in forma pauperis (“IFP”) on appeal. Plaintiff was not permitted to proceed in forma pauperis in this removed district-court action, and therefore is not entitled to proceed IFP on appeal without express authorization. Accordingly, in response to the Clerk of Court’s memo (Filing [46](#)) requesting instructions with regard to processing the appeal,

IT IS ORDERED that:

- 1) Plaintiff, within 15 days from the date of this order, shall file with the Clerk of the United States District Court either the appeal fee of \$505.00 or, if appropriate, a motion to proceed in forma pauperis on appeal, with supporting affidavit as required by Fed. R. App. P. 24(a)(1); and
- 2) If Plaintiff does not comply with the aforesaid filing requirement, the Clerk shall send a copy of this order and of the notice of appeal to the Clerk of the United States Court of Appeals for the Eighth Circuit pursuant to Fed. R. App. P. 24(a)(4)(C).

DATED this 20th day of June, 2017.

BY THE COURT:

s/ Richard G. Kopf

Senior United States District Judge