

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**

Because Plaintiff—who was not permitted to proceed in forma pauperis in this removed district-court action—filed a notice of appeal (Filing [45](#)) without the required appeal fee of \$505.00 or a motion to proceed in forma pauperis (“IFP”) on appeal, I ordered Plaintiff to file “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).” (Filing No. [47](#).) Plaintiff has not done so. Accordingly,

IT IS ORDERED that:

- 1) Plaintiff is not entitled to proceed on appeal in forma pauperis; and
- 2) The Clerk of the Court 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 6th day of July, 2017.

BY THE COURT:

*s/ Richard G. Kopf*

Senior United States District Judge