

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

<p>STANLEY A. SLUPKOWSKI,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>UNITED STATES OF AMERICA, and DUKE TERRELL, Warden, FMC Rochester, MN,</p> <p style="text-align: center;">Respondents.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 8:08CV471</p> <p style="text-align: center;">MEMORANDUM AND ORDER</p>
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This matter is before the court on its own motion. The above-captioned matter was provisionally filed on October 17, 2008. (Filing No. 1.) Due to a technical defect, however, the Petition cannot be processed. To assure further consideration of the Petition, Petitioner must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Petitioner has failed to include the \$5.00 filing fee. Petitioner has the choice of tendering the \$5.00 fee to the Clerk of the court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof. If Petitioner chooses to do the latter, the enclosed pauper's forms should be completed and returned to this court.

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to correct the above-listed defect in the Petition on or before December 5, 2008;
2. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice; and
3. The Clerk of the court will send to Petitioner Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

DATED this 3rd day of November, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge