

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID L. JOHNSON JR.,)
)
Plaintiff,)
)
v.)
)
DOUGLAS COUNTY MEDICAL)
DEPARTMENT,)
)
Defendant.)

8:09CV356

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On November 20, 2009, the court granted Plaintiff leave to proceed in forma pauperis. (Filing No. [16](#).) On that same date, the court ordered Plaintiff to pay an initial partial filing fee of \$46.84 no later than December 21, 2009. (*Id.* at CM/ECF p. 3.) The November 20, 2009 Memorandum and Order was mailed to Plaintiff at the address the court had on file. (*Id.*) However, on December 7, 2009, it was returned to the court as “undeliverable” because Plaintiff was no longer incarcerated at the Pottawattamie County Jail. (Filing No. [17](#).) No forwarding address was provided.

On December 10, 2009, Plaintiff filed a Notice of Change of Address indicating that he is now incarcerated in a federal facility in Leavenworth, Kansas. (Filing No. [18](#).) It does not appear that Plaintiff received a copy of the November 20, 2009, Memorandum and Order directing him to pay the initial partial filing fee in this matter. Thus, on the court’s own motion, Plaintiff will be given one additional opportunity to submit the filing fee.

IT IS THEREFORE ORDERED that:

1. Plaintiff shall pay an initial partial filing fee of \$46.84 by **March 1, 2010**. If the initial partial filing fee is not received by the specified deadline, this case

will be dismissed without prejudice and without further notice.

2. After payment of the initial partial filing fee, Plaintiff's institution shall collect the additional monthly payments in the manner set forth in [28 U.S.C. § 1915\(b\)\(2\)](#), and shall forward those installments to the court.

3. The Clerk of the court is directed to send a copy of this order to the appropriate official at Plaintiff's institution.

4. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: March 1, 2010: initial partial filing fee payment due.

5. The Clerk of the court is directed to send a copy of the court's November 20, 2009, Memorandum and Order to Plaintiff at his current address.

6. All pending motions are denied.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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