

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUAN BRADLEY,)
)
 Plaintiff,)
)
 v.)
)
 BRIAN HOSPITAL, LINCOLN)
 GENERAL HOSPITAL,)
 CLARKSEN HOSPITAL, and)
 SAINT JOSEPH HOSPITAL,)
)
 Defendants.)

8:10CV405

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On December 7, 2010, the court dismissed Plaintiff’s Complaint without prejudice and entered Judgment against him. (Filing Nos. [9](#) and [10](#).) On December 21, 2010, Plaintiff filed a Notice of Appeal of the court’s Judgment. (Filing No. [11](#).) However, Plaintiff did not submit the \$455.00 appellate filing fee, nor did he submit a motion to proceed in forma pauperis (“IFP”). (See Filing No. [12](#).) Plaintiff was not previously given leave to proceed IFP in the district court.

IT IS THEREFORE ORDERED that:

1. Plaintiff shall have until January 31, 2011, to either submit the \$455.00 appellate filing fee or a Motion to Proceed IFP, with the required affidavit. If Plaintiff takes no action, his appeal will not be processed.

2. Plaintiff is reminded that the Prison Litigation Reform Act makes the prisoner liable for payment of the full \$455.00 appellate filing fee regardless of the outcome of the appeal. An incarcerated civil appellant is required to pay the full amount of the \$455.00 filing fee by making monthly payments to the court, even if

he is proceeding in forma pauperis. [28 U.S.C. § 1915\(b\)](#).

3. The Clerk of the court shall not process the appeal in this matter pending further order of the court.

DATED this 11th day of January, 2011.

BY THE COURT:

Richard G. Kopf
United States District Judge

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