

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RUDY STANKO,)
)
 Petitioner,)
)
 v.)
)
 CHIEF PROBATION OFFICER,)
 United States District Court,)
)
 Respondent.)

8:10CV454

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On December 10, 2010, Plaintiff filed his Complaint in this matter (filing no. [1](#)), along with a Motion for Leave to Proceed in Forma Pauperis (“IFP”) (filing no. [2](#)). On February 25, 2011, the court granted Plaintiff’s IFP Motion and assessed an initial partial filing fee pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#). (Filing No. [6](#).) In doing so, the court warned Plaintiff that his case would be dismissed if he failed to pay the initial partial filing fee by March 28, 2011. (*Id.*)

The March 28, 2011, deadline has passed and Plaintiff has not paid the initial partial filing fee in this matter. (*See* Docket Sheet.) Therefore, Plaintiff’s case is dismissed for failing to comply with the court’s February 25, 2011, Memorandum and Order. *See Fed. R. Civ. Pro. 41(b)*; *see also Conley v. Holden, No. 03-3908, 2004 WL 2202452, at *1 (8th Cir. Sept. 21, 2004)* (affirming district court’s dismissal of inmate’s case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Complaint (filing no. [1](#)) is dismissed without prejudice because Plaintiff failed to comply with this court’s orders.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 1st day of April, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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