

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,)
)
 Plaintiff,)
)
 v.)
)
 UNKNOWN MAYO, deputy U.S.)
 Marshals, and UNKNOWN LEWIS,)
 deputy U.S. Marshals,)
)
 Defendants.)

8:11CV167

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. The above-captioned matter was provisionally filed on May 13, 2011. (Filing No. 1.) However, the Complaint cannot be further processed until certain technical defects are corrected. To assure further consideration of the Complaint, Plaintiff must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT WILL RESULT IN DISMISSAL OF THE COMPLAINT.**

To proceed with this matter, Plaintiff must submit a signed request to proceed in forma pauperis and an affidavit of poverty in support thereof, or tender the \$350.00 filing fee to the Clerk of the court. If Plaintiff chooses to submit a request to proceed in forma pauperis, the enclosed pauper’s forms should be completed and returned to this court.

IT IS THEREFORE ORDERED that:

1. Plaintiff must submit a signed application to proceed in forma pauperis, or pay the \$350.00 filing fee, on or before June 13, 2011.

2. Failure to comply with this Memorandum and Order will result in the dismissal of this matter without further notice.

3. The Clerk of the court is directed to send Plaintiff the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

4. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: June 13, 2011: Check for MIFP or payment.

DATED this 17th day of May, 2011.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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