

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ERNEST C. HARPER, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 ROBERT P. HOUSTON, Director )  
 Nebraska Department of Corr., FRED )  
 BRITTEN, Warden, Tecumseh )  
 Correctional Inst., and NEBRASKA )  
 DEPARTMENT OF CORRECTIONAL )  
 SERVICES, et., )  
 )  
 Respondents. )

CASE NO. 8:11CV324

MEMORANDUM  
AND ORDER

This matter is before the court on its own motion. The above-captioned matter has been provisionally filed on September 22, 2011. (Filing No. [1](#).) However, due to certain technical defects, the Petition cannot be further processed until such defects are corrected. 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 either 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 technical defect in the Petition on or before **October 27, 2011**.
2. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.

3. The Clerk of the court send to Petitioner 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 case with the following text: **October 27, 2011**: deadline to submit IFP application or pay \$5.00 filing fee.

DATED this 27<sup>th</sup> day of September, 2011.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge