

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RITA COLLINS, proxy for Edmond R. and)
 Kathleen M. Jesse, EDMOND R. JESSE,)
 Rita Collins proxy for Edmond R. and)
 Kathleen M. Jesse, and KATHLEEN M.)
 JESSE, Rita Collins proxy for Edmond R.)
 and Kathleen M. Jesse,)

8:12CV303

Plaintiffs,)

v.)

TERRY ROBBINS, (principal), et al.,)

Defendants.)

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On September 7, 2012, the court entered a Memorandum and Order provisionally filing this matter but requiring Plaintiffs to either file a motion for leave to proceed in forma pauperis or pay the \$350.00 filing fee no later than October 5, 2012. (Filing No. 4.) The court warned Plaintiffs that failure to comply with its Memorandum and Order would result in dismissal of this matter without further notice. (*Id.*) None of the Plaintiffs have paid the \$350.00 filing fee or submitted a motion for leave to proceed in forma pauperis.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice for failure to pay the court's filing fee and for failure to comply with a court order.

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

DATED this 10th day of October, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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