

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EDMOND R. JESSE, Husband and wife) 8:12CV304
in the Flesh and Blood as a living man)
and woman and the Martial Trust)
thereof, and KATHLEEN M. JESSE,)
Husband and wife in the Flesh and) **MEMORANDUM**
Blood as a living man and woman and) **AND ORDER**
the Martial Trust thereof,)
)
Plaintiffs,)
)
v.)
)
LANCE R. JESSE, (Principal), et al.,)
)
Defendants.)
)

This matter is before the court on its own motion. The above-captioned matter has been provisionally filed on August 14, 2012. (Filing No. 1.) However, due to certain technical defects, the Complaint cannot be further processed until such defects are corrected. To assure further consideration of the Complaint, Plaintiffs must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Plaintiffs have failed to include the \$350.00 filing fee. Plaintiffs have the choice of either tendering the \$350.00 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 Plaintiffs choose to do the latter, the enclosed pauper's forms should be completed and returned to this court. **Each Plaintiff must submit a request to proceed in forma pauperis and an affidavit of poverty in support thereof.**

In addition, the court notes that Plaintiffs have filed seven nearly-identical matters in this court since August 1, 2012. However, Plaintiffs did not submit the filing fee, or motions to proceed in forma pauperis, in any of these matters. In light of this, the court will not

accept any further new cases from Plaintiffs, or their representatives, unless accompanied by the full filing fee or motions to proceed in forma pauperis by each Plaintiff.

IT IS THEREFORE ORDERED that:

1. Plaintiffs are directed to correct the above-listed technical defect in the Complaint on or before September 28, 2012.

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 is directed to send to **each** 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: September 28, 2012: deadline for payment or filing of IFP application.

5. In the event Plaintiffs or their representatives seek to file any additional case in this court, the proposed complaint **must** be accompanied by the full filing fee or motions to proceed in forma pauperis by each Plaintiff. If Plaintiffs do not comply with this Memorandum and Order, the court will return the proposed complaint to Plaintiffs without filing.

DATED this 31st day of August, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge