

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EDMOND R. JESSE, Husband and wife 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 Blood as a living man and)
woman and the Martial Trust thereof,)
))
Plaintiffs,)
))
v.)
))
LANCE R. JESSE, (Principal), et al.,)
))
Defendants.)

8:12CV304

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On August 31, 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 September 28, 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.*) Neither Plaintiff has 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 12th day of October, 2012.

BY THE COURT:

s/ Joseph F. Bataillon

United States District Judge