

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CAMERON CHRISP,	)	8:14CV344
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
LANCASTER COUNTY JAIL, and	)	
SAUNDERS COUNTY JAIL,	)	
	)	
Defendants.	)	

This matter is before the court on its own motion. Plaintiff filed his Complaint (Filing No. [1](#)) on October 27, 2014. Due to certain technical defects, the Complaint cannot be further processed. 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.**

Plaintiff has failed to include the \$400.00 filing and administrative fees. Plaintiff has the choice of either tendering the \$400.00 fees to the Clerk of the Court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof.<sup>1</sup> If Plaintiff chooses to do the latter, the enclosed pauper's forms should be completed and returned to this court.

Plaintiff seeks an order from this court waiving his payment of the court's filing fee. Under the Prison Litigation Reform Act, an indigent inmate who files a lawsuit in federal court must pay the \$350.00 filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments. The method for collecting the filing fee from a prisoner is specifically provided for in [28](#)

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<sup>1</sup>A plaintiff whose application for pauper status is approved will be charged a filing fee of \$350.00, as he is not subject to the \$50.00 administrative fee assessed to non-IFP plaintiffs.

[U.S.C. § 1915\(b\)](#). Section 1915(b) is written in mandatory terms (“the prisoner shall be required to pay”), leaving no discretion to the district court to waive an in forma pauperis prisoner’s filing fee. Accordingly, Plaintiff’s request for a waiver of the filing fee will be denied.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to correct the above-listed technical defect within 30 days of the date of this Memorandum and Order. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.
2. The Clerk of the court is directed to send to Petitioner the Form AO240 (“Application to Proceed Without Prepayment of Fees and Affidavit”).
3. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: December 12, 2014: Check for MIFP or payment.

DATED this 10<sup>th</sup> day of November, 2014.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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