

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ERIC D. FANT,)	8:14CV389
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
STATE OF NEBRASKA)	
DEPARTMENT OF)	
CORRECTIONAL SERVICES,)	
)	
Defendant.)	

The above-captioned matter was provisionally filed on November 28, 2014. (Filing No. [1](#).) However, 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 MAY RESULT IN DISMISSAL OF THE COMPLAINT.**

Plaintiff has failed to include the \$400.00 filing and administrative fees. Rather, Plaintiff submitted a \$5.00 payment. 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.¹ If Plaintiff chooses to do the latter, the enclosed pauper's forms should be completed and returned to this court.

¹If Plaintiff is granted leave to proceed in forma pauperis ("IFP") in this matter, he will be allowed to pay the court's \$350 filing fee in installments. See [28 U.S.C. § 1915\(b\)\(1\)](#); [In re Tyler, 110 F.3d 528, 529-30 \(8th Cir. 1997\)](#). In addition, he will not be subject to the \$50.00 administrative fee assessed to non-IFP plaintiffs.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to correct the above-listed technical defect in the Complaint within 30 days of the date of this Memorandum and Order.
2. Failure to comply as directed will result in dismissal of this case for want of prosecution.
3. The Clerk of the Court is directed to send to 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: January 2, 2015: Check for MIFP or payment.

DATED this 2nd day of December, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge

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