

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>ANNIE STEWART,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>8:15CV381</b>
	)	
<b>POPEYE'S CHICKEN,</b>	)	<b>ORDER</b>
<b>EON PROPERTIES, LLC,</b>	)	
<b>NIKHIL MEHTA, and</b>	)	
<b>JOHN DOE 1 AND 2 INCLUSIVE,</b>	)	
	)	
<b>Defendants.</b>	)	

This case was originally filed on October 19, 2015. ([Filing No. 1](#)). The court granted the plaintiff's motions for leave to proceed in forma pauperis and for service by U.S. Marshal. ([Filing No. 4](#); [Filing No. 7](#)). The plaintiff took no further action in this case. This court entered a show cause order warning the plaintiff that failure to prosecute and failure to complete service may result in the dismissal of the case. The plaintiff failed to comply with this court's order, and on August 1, 2016, Chief Judge Smith Camp entered an order dismissing the above-captioned case, without prejudice. ([Filing No. 13](#)).

On October 12, 2016, the plaintiff, without leave of court, filed an Amended Complaint ([Filing No. 14](#)) and a second application to proceed without prepaying fees or costs ([Filing No. 15](#)). The time for reconsideration or filing of an appeal has expired and this case is closed. Therefore, the court will strike the plaintiff's improper filings. This order does not prevent the plaintiff from initiating a new lawsuit. Accordingly,

**IT IS ORDERED:** The plaintiff's Amended Complaint ([Filing No. 14](#)) and application to proceed without prepaying fees or costs ([Filing No. 15](#)) are stricken. The Clerk of Court shall amend the docket to reflect the documents are stricken.

**DATED: October 13, 2016.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**