

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANNIE STEWART,

Plaintiff,

vs.

TIMEOUT FOODS, LLC, STEVEN  
MERCER, AND JOHN DOES 1 AND 2,  
Inclusive;

Defendants.

**8:16CV46**

**ORDER**

Plaintiff has filed an application to proceed with this litigation without prepaying fees or costs. (Filing No. 2). The information contained in plaintiff's affidavit demonstrates that plaintiff is eligible to proceed in forma pauperis.

IT IS ORDERED:

1. Plaintiff's application, (Filing No. 2) is granted, and the complaint shall be filed without payment of fees.
2. The Clerk of Court shall send a copy of this Memorandum and Order together with two summons forms and two USM-285 forms to Plaintiff's attorney of record for service of process on the defendant(s).
3. If the plaintiff is not requesting service by United States Marshal, Plaintiff's counsel shall, as soon as possible, complete the summons forms and return them to the Clerk of the court to be issued. The issued summons will then be returned to plaintiff's counsel for service on the defendant(s).
4. If the plaintiff is requesting service by the United States Marshal, Plaintiff's counsel shall, as soon as possible, complete the USM-285 forms and the summons forms and return them to the Clerk of the court. The Clerk of the court will sign the summons forms, to be forwarded with a copy of Plaintiff's Complaint to the U.S. Marshal for service of process. The Clerk of the court will copy the Complaint; Plaintiff's counsel need not do so. The Marshal shall serve the summons and the Complaint without payment of costs or fees.
5. This order is entered without prejudice to the court later entering an order taxing costs in this case. No one, including any plaintiff, is relieved by this order from the obligation to pay or to reimburse taxable costs after this action is over.

January 26, 2016.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge