

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES A. FILHIOL,

Plaintiff,

vs.

SCOTT FRAKES, NDocs Director;
ANY UNKNOWN NDOCS
EMPLOYEES INVOLVED IN MY
CLASSIFICATION PROCESS AT
NDOCS, ANY AND ALL UNKNOWN
MEDICAL STAFF AWARE OF MY
CURRENT MEDICAL CONDITIONS
WHO WORK FOR OR ARE
CONTRACTED THROUGH THE
NDOCS, and ANY AND ALL
UNKNOWN HALL COUNTY
NEBRASKA CORRECTIONS STAFF
AND MEDICAL STAFF AND
ADMINISTRATORS INVOLVED IN
THIS CLAIM,

Defendants.

8:16CV460

**MEMORANDUM
AND ORDER**

Plaintiff filed his Complaint in this matter on October 11, 2016, while he was incarcerated. The court granted him leave to proceed in forma pauperis on October 12, 2016, also while he was incarcerated. Plaintiff filed a change of address on April 10, 2017, indicating that he is no longer incarcerated. (See [Filing No. 19.](#)) He also requests an extension of time to file an amended complaint. (*Id.*)

Since Plaintiff is no longer incarcerated, he must now file a new application for leave to proceed in forma pauperis if he wishes to continue pursuing this case in forma pauperis. Plaintiff may, in the alternative, pay the court's \$400.00 filing and administrative fees.

IT IS THEREFORE ORDERED that:

1. Plaintiff's motion for extension ([Filing No. 19](#)) is granted. Plaintiff **must, within 30 days**, (1) either file a new request for leave to proceed in forma pauperis or pay the court's \$400.00 filing and administrative fees, **AND** (2) file an amended complaint that states a claim upon which relief may be granted. Failure to take either action will result in dismissal of this matter without further notice to Plaintiff.

2. The clerk of the court is directed to send to Plaintiff the Form AO 240, "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 with the following text: **May 10, 2017**: deadline for Plaintiff to file new IFP application or pay filing fee AND to file an amended complaint.

Dated this 10th day of April, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge