

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSHUA G. FRANKLIN, SR.,

Plaintiff,

vs.

DIANE SABATKA-RINE, Deputy
Director, In her Individual and Official
Capacity; FRED BRITTEN, Warden, In
his Individual and Official Capacity;
CURT WEES, Unit Administrator, In
his Individual and Official Capacity;
MCCLYMONT, Case Manager;
DENNIS BAKEWELL, and CHARLES
RINE,

Defendants.

8:16CV470

**MEMORANDUM
AND ORDER**

Plaintiff filed his Complaint in this matter on October 17, 2016, while he was incarcerated. The court granted him leave to proceed in forma pauperis on October 28, 2016, also while he was incarcerated. The Nebraska Department of Correctional Services notified the court on July 17, 2017, that Plaintiff is no longer incarcerated. (See [Filing No. 39](#).)

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 must either file a new request for leave to proceed in forma pauperis or pay the court's \$400.00 filing and administrative fees within 30 days. 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: **August 31, 2017:** deadline for Plaintiff to file new IFP application or pay filing fee.

Dated this 1st day of August, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge