

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GERALD D. SMITH, )  
 )  
Petitioner, ) 8:17CV278  
 )  
v. )  
 )  
FRED BRITTON, ) ORDER  
 )  
Respondent. )  
 )

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Because the \$5.00 filing fee has already been paid,

IT IS ORDERED that Petitioner's Motion and Affidavit For Leave To Proceed In Forma Pauperis (filing no. 4) is denied as moot. The Court will not refund the fee previously paid.

DATED this 28<sup>th</sup> day of August, 2017.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge