

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARK BAKER,

Plaintiff,

vs.

PETE RICKETTS, Governor of
Nebraska;

Defendant.

8:17CV443

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion to Proceed in Forma Pauperis. ([Filing No. 2.](#)) The court has received a certified copy of Plaintiff's trust account information. ([Filing No. 6.](#))

During the past six months, Plaintiff's average monthly balance was \$2,898.98 and his average monthly deposits were \$18.94. Pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#), Plaintiff must pay an initial partial filing fee in the amount of 20 percent of the greater of his average monthly account balance or average monthly deposits for the six months preceding the filing of the Complaint. Therefore, even if the court were to grant Plaintiff in forma pauperis status, he would be required to pay 20 percent of \$2,898.98, or \$579.80, which is more than the \$400 filing fee for this matter. Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Proceed in Forma Pauperis ([Filing No. 2](#)) is denied.
2. Plaintiff shall pay the \$400.00 filing fee no later than January 2, 2018.

3. Failure to comply with this order will result in dismissal of this matter without further notice.

4. The clerk's office is directed to set a pro se case management deadline using the following text: **January 2, 2018**: deadline for Plaintiff to pay \$400.00 filing fee.

Dated this 1st day of December, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge