

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,	)	
	)	
Petitioner,	)	8:18CV46
	)	
v.	)	
	)	
STATE OF NEBRASKA,	)	ORDER
	)	
Respondent.	)	
_____	)	

Because this case has been dismissed as indicated by the decision of the United States Court of the Appeals for the Eighth Circuit (filing no. 55), and because the most recent order of this court seeking permission to engage in discovery is not a final order,

IT IS ORDERED that the notice of appeal construed as a motion to proceed in forma pauperis (filing no. 56) is denied. The Clerk shall send a copy of this order to the Clerk of the United States Court of Appeals for the Eighth Circuit.

DATED this 28<sup>th</sup> day of January, 2019.

BY THE COURT:

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