

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ERIC M. ROBINSON,

Plaintiff,

vs.

STATE OF NEBRASKA,

Defendant.

8:18CV73

**MEMORANDUM
AND ORDER**

The clerk's office has received several emails from Plaintiff in which he asks, among other things, that the clerk file his emails so that the undersigned may be made aware of their contents and that the clerk provide clarification regarding what Plaintiff views as the court's conflicting orders regarding Plaintiff's ability to proceed in forma pauperis ("IFP").

First, as previously stated by the court and pursuant to local rule, the court does not consider documents submitted via email to the clerk as filed with the court. *See* NECivR [5.1\(d\)](#). Plaintiff has been granted access to the court's electronic CM/ECF filing system and, therefore, has the ability to file documents electronically himself. **Plaintiff is advised to refrain from sending any further emails to the clerk's office which he seeks to have filed or presented to the court for consideration. No action will be taken on such emails. Plaintiff must follow the instructions for filing documents electronically in CM/ECF if he wishes to present matters for the court's consideration.**

Second, to the extent Plaintiff seeks advice from the clerk's office regarding how he is to respond to the court's recent orders regarding IFP, the clerk of the court cannot provide legal advice to Plaintiff. *See* [28 U.S.C. § 955](#). However, for the sake of clarity, the court informs Plaintiff that the Memorandum and Order dated March 29, 2018, requiring Plaintiff to pay an initial partial filing fee of \$0.34

was entered prior to the court receiving notice that Plaintiff was no longer incarcerated. (See [Filing No. 8](#).) Once Plaintiff updated his address, indicating that he was no longer incarcerated, the court entered an order requiring him to file a new application for leave to proceed IFP or pay the court's \$400 filing and administrative fees and directed the clerk to mail the IFP form to Plaintiff.¹ (See [Filing No. 11](#).) It is this most recent order requiring a new IFP application or payment of the \$400 filing and administrative fees by May 7, 2018, which controls, and Plaintiff should disregard the March 29, 2018 order. Accordingly,

IT IS ORDERED that:

1. The court will not take any action on the emails submitted by Plaintiff and the emails will not be made part of the court's record. Plaintiff shall refrain from submitting further emails to the clerk's office for filing. Plaintiff, as a registered CM/ECF user, shall file electronically any document he wishes the court to consider himself using CM/ECF.

2. In accordance with the court's April 6, 2018 Memorandum and Order ([filing no. 11](#)), 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 by **May 7, 2018**. Failure to take either action will result in dismissal of this matter without further notice to Plaintiff.

¹ Plaintiff appears to complain that he has not received the IFP form, but rather has only received a copy of [Filing No. 8](#), the court's March 29, 2018 order granting IFP and requiring payment of the initial partial filing fee. The court notes that the copy of [Filing No. 8](#) originally mailed to Plaintiff's institution was returned to the court and resent to Plaintiff's updated address. (See [Filing No. 10](#).) The court has been advised that the clerk's office mailed a new form IFP application to Plaintiff on April 11, 2018.

Dated this 12th day of April, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge