

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSEPH JUAN BUTTERCASE,

Petitioner,

vs.

SCOTT R. FRAKES, Director,
Nebraska Department of Correctional
Services;

Respondent.

8:18CV131

**MEMORANDUM
AND ORDER**

This matter is before the court on Petitioner's Motion for Leave to Proceed in Forma Pauperis ("IFP"). ([Filing No. 6.](#)) Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). As indicated in Petitioner's motion and the court's records, Petitioner has already paid the \$5.00 fee. Accordingly,

IT IS ORDERED that Petitioner's Motion for Leave to Proceed IFP ([filing no. 6](#)) is denied as moot. The next step in this case is for the court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The court will conduct this review in its normal course of business and will address Petitioner's other pending motions at that time.

Dated this 6th day of April, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge