

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|--------------------------------|---|----------------------|
| LISA K. SEXTON, ALISA E. |) | |
| PARDE, CAROLINE RICHARDSON, |) | |
| ERICA J. COCHRAN, FRANCES |) | |
| BEAVER, SYDNEY DECAPIANO, |) | |
| ASHLEY GRIFFITH, TAMARA EVANS, |) | |
| ELISA SEASTRONG, CHRISTINA |) | |
| GLASS, and SHARON TURNELL, |) | |
| |) | |
| Plaintiffs, |) | 8:14CV164 |
| |) | |
| v. |) | |
| |) | |
| MICHAEL KENNEY, et al., |) | MEMORANDUM AND ORDER |
| |) | |
| Defendants. |) | |
| |) | |

This matter is before the Court on its own motion.

Pursuant to the Prison Litigation Reform Act, an imprisoned civil plaintiff must pay the Court's entire filing fee, either at the outset when filing the complaint, or in installments if the Court grants leave to proceed in forma pauperis ("IFP"). *In re Tyler, 110 F.3d 528, 529-30 (8th Cir. 1997); Jackson v. N.P. Dodge Realty Co., 173 F. Supp. 2d 951 (D. Neb. 2001).*

In this case, the following individuals signed the complaint, filed motions seeking leave to proceed IFP, and were granted leave to proceed IFP by the Court: Lisa Sexton, Alisa Parde, Erica Cochran, Frances Beaver, Tamara Evans, Sharon Turnell, Elisa Seastrong, Christina Glass, Sydney Decapiano, Caroline Richardson, and Ashley Griffith. On August 18, 2014,

the Court assessed an initial partial filing fee for each of these individuals that was to be paid by September 17, 2014. To date, only one of these prisoners -- Caroline Richardson -- has paid her initial partial filing fee (see text-entry dated September 8, 2014). Six of these individuals -- Ashley Griffith, Sharon Turnell, Christina Glass, Alisa Parde, Sydney Decapiano and Frances Beaver -- have asked to be dismissed as plaintiffs from this matter (see Filing Nos. 73-78).¹

Plaintiffs Lisa Sexton, Alisa Parde, Erica Cochran, Frances Beaver, Tamara Evans, Sharon Turnell, Elisa Seastrong, Christina Glass, Sydney Decapiano, and Ashley Griffith have not paid the initial partial filing fee. These plaintiffs shall be required to show cause why they should not be dismissed as plaintiffs in this matter. Absent a sufficient response, the case will be subject to dismissal as to any plaintiff who does not respond for failure to pay the initial partial filing fee by

¹ This case highlights the multitude of problems that can arise in cases brought by more than one prisoner petitioner proceeding pro se. See Lindell v. Litscher, 212 F. Supp. 2d 936 (W.D.Wis. 2002) (discussing problems that may arise in multi-prisoner cases). The undersigned judge recognizes, however, that in the United States District Court for the District of Nebraska, joinder of prisoner plaintiffs is allowed. See Cole v. Houston, No. 4:06CV3314, 2007 WI 1309821 (D. Neb. March 30, 2007). Indeed, at least one circuit court has held that a court must accept complaints filed by multiple prisoners if the criteria of permissive joinder are satisfied. See Boriboune v. Berge, 391 F.3d 852 (7th Cir. 2004).

the court-ordered deadline. See Taylor v. Cassady, --- Fed. App'x. ----, 2014 WL 4378388 (8th Cir. Sept. 5, 2014) (holding district court abused its discretion by dismissing case without first taking steps to determine whether prisoner-plaintiff's failure to pay the initial partial filing fee "was caused by circumstances beyond his control, such as prison officials' failure to adhere to his request to remit payment using funds from his account"). For those plaintiffs who have asked to be dismissed from this action, they need not respond to this order unless they would like to remain parties to this action.

IT IS ORDERED:

1. Plaintiffs Lisa Sexton, Alisa Parde, Erica Cochran, Frances Beaver, Tamara Evans, Sharon Turnell, Elisa Seastrong, Christina Glass, Sydney Decapiano, and Ashley Griffith shall have until October 23, 2014, to show cause why this case should not be dismissed for failure to pay the initial partial filing fee. In the absence of cause shown, this case will be dismissed as to any such plaintiff without prejudice and without further notice.

2. The Clerk of the Court is directed to set a pro se case management deadline in this case using the following text:

October 23, 2014: show cause deadline for failure to pay initial filing fee.

DATED this 30th day of September, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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