

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RANDY ZAPATA, Dr.,

Plaintiff,

v.

Case No.: 2:24-cv-564-JES-KCD

NELNET SERVICER OF
FEDERAL STUDENT AID,

Defendant.

_____ /

ORDER

Plaintiff, proceeding without a lawyer, filed a complaint (Doc. 1) but did not pay the filing fee, or seek leave to proceed in forma pauperis.

Under 18 U.S.C. § 1914, “[t]he clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$350.” 28 U.S.C. § 1914(a). Further, the Clerk of Court is permitted to collect from the parties “such additional fees only as are prescribed by the Judicial Conference of the United States.” 28 U.S.C. § 1914(b). Under these statutes, Plaintiff is required to pay a filing fee of \$405.

Alternatively, if Plaintiff is unable to pay this filing fee, he may request leave to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1). Section 1915 provides that “any court of the United States may authorize the

commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1).

The case cannot proceed without either payment of the filing fee, or an affidavit establishing that plaintiff is indigent. The necessary forms may be obtained from the Court’s website, or through the Clerk’s Office.

Accordingly, it is **ORDERED**:

Plaintiff must pay the \$405 filing fee or move to proceed in forma pauperis with supporting affidavits by **July 25, 2024**. **Failing to exercise one of these options may result in a recommendation that this action be dismissed for failure to prosecute without further notice.**

ENTERED in Fort Myers, Florida on June 25, 2024.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record