

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

JEFFERY MICHAEL SHAFFER,
Petitioner,

vs.

JAMY LYNN SHAFFER,
Respondent.

Case No. 20133

ORDER STRIKING FILING

SUBJECT OF ORDER: Respondent's purported petition to modify and request for ex parte order.

ORDER: After examination of the files, the court finds, determines, and orders:

1. On the court's own motion, the court finds that the documents submitted for filing on February 12, 2001, were printed on thermal paper from an old-style fax machine, and that no such documents can be accepted for filing as such thermal paper is subject to rapid deterioration and destruction by the mere passage of time. The clerk should not have accepted such documents for filing because of the type of paper, and, on the court's own motion without notice or hearing, the purported filings are ordered stricken from the file forthwith without prejudice to the prompt filing of a proper petition and praecipe.

2. The court has telephonically notified counsel for respondent of such striking and the cause for same, and has been advised that proper filings will be transmitted by counsel through the U.S. Mail forthwith. The clerk is directed to apply the filing fee to the proper filing to be received in due course.

3. The petition is anticipated to request an ex parte order directing the petitioner not to remove the child from the State of Nebraska. The petitioner is already prohibited by Nebraska law from removing the child from the state without court permission. *State ex rel. Reitz v. Ringer*, 244 Neb. 976, 510 N.W.2d 294 (1994) (before a custodial parent can remove a child from the state, permission of the court is required, whether or not there is a travel restriction placed on the custodial parent). This court does not intend to start a general practice of entering orders directing someone not to do something that the law already forbids him or her from doing.

IT IS SO ORDERED.

Signed in chambers at O'Neill, Nebraska, on February 12, 2001.
DEEMED ENTERED upon the date of filing by the court clerk.

If checked, the Court Clerk shall:

- : Mail a copy of this order to all counsel of record and to any pro se parties.
Done on _____, 20__ by ____.
- 9 Enter judgment on the judgment record.
Done on _____, 20__ by ____.
- 9 Mail postcard/notice required by § 25-1301.01 within 3 days.
Done on _____, 20__ by ____.
- : Note the decision on the trial docket as: [date of filing] Signed "Order Striking Filing" entered.
Done on _____, 20__ by ____.

Mailed to:

BY THE COURT:

William B. Cassel
District Judge