

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

**ORDER**

Cass County Case No. 2021-DM-01260

**Jessica M. Otten,**  
v.  
**Nicholas A. Otten,**

**Plaintiff and Appellee**  
**Defendant and Appellant**

[¶1] On December 19, 2022, a notice of appeal dated December 19, 2022, was received from Nicholas A. Otten without payment of the \$125 filing fee. Appellant appealed from a judgment entered November 18, 2022. In a letter dated December 20, 2022, Appellant was notified that no file will be opened without payment of the \$125 filing fee. He was also notified that if the docket fee is not paid within 14 days of receipt of the notice of appeal by the Supreme Court, the notice of appeal is void; if timely, a new notice of appeal may be submitted with the docket fee. The deadline for the \$125 fee to be received in this office was January 2, 2023. To date, the fee has not been received. Under the rules, an Appellant may submit a petition to waive the filing fee. However, that petition is also required to be received by this Court by the deadline to pay the filing fee. A petition to waive the filing fee was received from the Appellant on January 6, 2023. The matter was considered, and

[¶2] ORDERED that the petition to waive the filing fee was untimely submitted and will not be filed.

[¶3] IT IS FURTHER ORDERED that the under N.D.R.App.P. 12, the notice of appeal dated December 19, 2022, from the judgment entered November 18, 2022, is void, and the Clerk of the Supreme Court is not authorized to file it.

[¶4] Entered the 6<sup>th</sup> day of January, 2023, with the Honorable Jon J. Jensen, Chief Justice, directing the Clerk of the Supreme Court to enter the above order.

/s/ Petra H. Mandigo Hulm  
Clerk  
North Dakota Supreme Court