

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

EDWARD PERREY,)	
)	
)	
Plaintiff,)	
vs.)	No. 2:10-cv-272-WTL-DML
)	
EDWIN BUSS, et al.,)	
)	
)	
Defendants.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The plaintiff’s motion to reconsider the Order of October 28, 2010, (dkt 11) is **granted**. The dismissal of certain claims in *Perrey v. Donahue, et al.*, 3:06-cv-617 AS (N.D. Ind. December 3, 2007) did not qualify as a strike and the plaintiff is eligible to proceed *in forma pauperis*. See *Turley v. Gaetz*, 2010 WL 4286368 (7th Cir. 2010).

2. The plaintiff’s motion for extension of time to pay the filing fee (dkt 12) is **denied as unnecessary**. Notwithstanding the foregoing ruling, the plaintiff owes the filing fee. “All [28 U.S.C.] § 1915 has ever done is excuse *pre*-payment of the docket fees; a litigant remains liable for them, and for other costs, although poverty may make collection impossible.” *Abdul-Wadood v. Nathan*, 91 F.3d 1023, 1025 (7th Cir. 1996).

3. The complaint is now subject to the screening requirement of 28 U.S.C. § 1915A(b). This statute directs that the court dismiss a complaint or any claim within a complaint which "(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief." *Id.* The court will direct the further development of any claim which is not dismissed on this basis. The parties will be notified when this determination has been made.

IT IS SO ORDERED.

Date: 11/16/2010



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution:

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