

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

_____	:	
WILLIAM ROBERT PILKEY,	:	
	:	Civil Action
Plaintiff,	:	05-5418 (JBS)
	:	
v.	:	<u>O R D E R</u>
	:	
LAPPIN, H. et al.,	:	
	:	
Defendants.	:	
_____	:	

For the reasons set forth in the Court's Opinion filed herewith,

IT IS on this 28th day of June, 2006, hereby ORDERED that Plaintiff's application to proceed in forma pauperis without prepayment of the \$250.00 filing fee pursuant to 28 U.S.C. § 1915(a) and (b) is hereby granted; and it is further

ORDERED that the Clerk of the Court is to file the complaint in the above-captioned action; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order and the Court's Opinion filed herewith by regular mail on Plaintiff; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order by regular mail on the United States for the District of New Jersey and on the warden of the Federal Prison Camp in Big Springs, Texas; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$250.00 and shall pay the entire filing fee pursuant to 28 U.S.C. §

1915(b) (1) and (2), regardless of the outcome of the litigation; and it is further

ORDERED that an initial partial filing fee shall be deducted and, until the \$250.00 filing fee is paid, in each succeeding month during which the amount in Plaintiff's account exceeds \$10.00, the agency having custody of him shall assess, deduct from his account, and forward to the Clerk of the Court payments equal to 20% of the preceding month's income credited to his account, pursuant to 28 U.S.C. § 1915(b) (2), and each payment shall be referenced to the civil docket number of this action; and it is further

ORDERED that Plaintiff's complaint in this action is dismissed with prejudice except that the dismissal is without prejudice as to his potential claim for loss of his manuscript under the Federal Tort Claims Act; if Plaintiff is able to assert that he has timely exhausted his FTCA remedies, he may file an Amended Complaint herein within thirty (30) days, or thereafter (if timely under 28 U.S.C. § 2401(b)) in a separate civil action in a court of competent jurisdiction; and it is finally

ORDERED that the Clerk shall close the Court's file for this action.

s/ Jerome B. Simandle

JEROME B. SIMANDLE
U.S. District Judge