BROWN v. KERR et al Doc. 4

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

JASON P. BROWN,

: Civil Action No. 08-6385 (JBS)

Plaintiff, :

:

v. : ORDER

R. KERR, et al.

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Defendants.

For the reasons expressed in the Court's Opinion filed herewith,

It is on this $\underline{1}^{st}$ day of \underline{July} , 2009,

ORDERED that the Clerk of the Court is directed to file the Complaint without prepayment of the filing fee; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail on the United States Attorney for the District of New Jersey and on the Warden at FCI Fairton; and it is further

ORDERED that plaintiff is assessed a filing fee of \$350.00 which shall be deducted from plaintiff's prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in plaintiff's prison account exceeds \$10.00, the agency having custody of plaintiff shall assess, deduct from his account, and forward to

the Clerk payments equal to 20% of the preceding month's income credited to plaintiff's prison account, with each payment referencing the civil docket number of this action; and it is further

ORDERED that plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE, in its entirety, for failure to state a claim upon which relief may be granted at this time, pursuant to 28 U.S.C. \$\\$ 1915(e)(2)(B)(ii) and 1915A(b)(1).

s/ Jerome B. Simandle

JEROME B. SIMANDLE United States District Judge