

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

_____	:	
JONATHAN DEVONISH,	:	
	:	
Plaintiff,	:	Civil Action
	:	10-1866 (JBS)
	:	
v.	:	<u>O R D E R</u>
	:	
ATLANTIC COUNTY	:	
JUSTICE FACILITY, et al.,	:	
	:	
Defendants.	:	
_____	:	

For the reasons expressed in the Opinion filed herewith,

IT IS on this 29th day of July, 2010,

ORDERED that Plaintiff's application to proceed in forma pauperis is hereby granted, and the Clerk shall 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, upon the New Jersey Attorney General and upon the Warden of Plaintiff's place of confinement; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from his 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) (1) (A), Plaintiff is assessed an initial partial filing fee equal to 20% of the average monthly deposits to the Plaintiff's prison account

for the six month period immediately preceding the filing of the Complaint; when funds exist, the New Jersey Department of Corrections shall deduct said initial fee from Plaintiff's prison account and forward it to the Clerk; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 filing fee is paid, each subsequent month that the amount in Plaintiff's prison account exceeds \$10.00, the New Jersey Department of Corrections shall assess, deduct from the Plaintiff's 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 docket number of this action; and it is further

ORDERED that the Clerk shall serve this Order and Opinion filed herewith upon Plaintiff by certified mail, return receipt requested. The Clerk shall include in the mailing a blank civil complaint form; and it is further

ORDERED that the Complaint, Docket Entry No. 1, is dismissed, as detailed in the Opinion filed herewith; and it is further

ORDERED that Plaintiff may file an amended complaint clarifying his failure-to-protect claims against Defendant Hendrick. In the event Plaintiff elects to file an amended Complaint, Plaintiff shall do so within thirty days from the date of entry of this Order; and it is finally

ORDERED that the Clerk shall close the file on this matter subject to reopening in the event of the Clerk's receipt of Plaintiff's timely submitted amended pleading.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
U.S. District Judge