

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

_____	:	
ANTHONY PARKER,	:	
	:	Civil Action No.
Plaintiff,	:	10-2070 (JBS)
	:	
v.	:	<b><u>O R D E R</u></b>
	:	
GATEWAY NU-WAY	:	
FOUNDATION et al.,	:	
	:	
Defendants.	:	
_____	:	

For the reasons expressed in the Opinion filed herewith,

IT IS on this 26th day of October, 2010,

ORDERED that the Clerk shall reopen this matter by making a new and separate entry on the docket reading "CIVIL CASE REOPENED"; and it is further

ORDERED that Plaintiff's application to proceed in this matter in forma pauperis is granted; and it is further

ORDERED that the Clerk of the Court shall file Plaintiff's amended complaint, Docket Entry No. 4; and it is further

ORDERED that Plaintiff's claims against all Defendants other than Cookewater and John/Jane Does will be DISMISSED, with prejudice as to Defendants State of New Jersey, New Jersey Department of Corrections, South Woods State Prison, and Warden Balicki, and without prejudice as to Gateway Foundation; and it is further

ORDERED that the Clerk shall terminate all Defendants other than Defendant Grace Cookewater as Defendants in this matter; and it is further

ORDERED that the Clerk shall issue summons, and the United States Marshal shall serve a copy of the amended complaint, summons, and this Order upon Defendant Grace Cookewater, pursuant to 28 U.S.C. § 1915(d); and it is further

ORDERED that Defendant Grace Cookewater shall file and serve a responsive pleading within the time specified in Federal Rule of Civil Procedure 12, pursuant to 42 U.S.C. § 1997e(g)(2); 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 Plaintiff's prison account for the six month period immediately preceding the filing of the complaint; when funds exist, the agency having custody of Plaintiff 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 agency having custody of Plaintiff 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, pursuant to 28 U.S.C. § 1915(b), the Clerk shall forward a copy of this Order by regular mail to the Attorney General of the State of New Jersey and the agency having custody of Plaintiff; and it is further

ORDERED that Plaintiff's application for production of documents and appointment of pro bono counsel (Docket Entries Nos. 4-1 and 5) are denied. Plaintiff's application for appointment of pro bono counsel is denied without prejudice; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order, by regular mail, upon Plaintiff.

**s/ Jerome B. Simandle**  
JEROME B. SIMANDLE  
United States District Judge