

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

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| Ronald Ellerman, | : | |
| | : | Civil Action No. 15-476(RMB) |
| Plaintiff, | : | |
| | : | |
| v. | : | MEMORANDUM AND ORDER |
| | : | |
| William Briglia, D.O., | : | |
| Donna Caudill, R.N., | : | |
| State Corr. Officer Rielly, | : | |
| and Gordon Presley, Psy.D. | : | |
| | : | |
| Defendants. | : | |
| _____ | : | |

BUMB, District Judge:

This matter comes before the Court upon a letter request from Defendants Caudill and Presley, seeking instructions on filing an answer in this matter. (ECF No. 17.) Upon review of the docket, this matter was administratively terminated and remains closed. (ECF No. 8.) The conditions for reopening were that Plaintiff submit a properly completed IFP application and the \$6.49 initial partial filing fee, which was not paid by the prison from Plaintiff's trust account before his release. (ECF Nos. 8 and 12.) Plaintiff submitted the properly completed IFP application, and the Court granted it, but Plaintiff has not submitted the \$6.49 initial partial filing fee.

Plaintiff shall have 30 days from the date of entry of this order to pay the initial partial filing fee. See Drayer v. Att. Gen. State of Del., 81 F. App'x 429, 31 (3d Cir. 2003)(released prisoner must pay initial partial filing fee assessed under PLRA while in prison). The Court will extend the time for Defendants to answer.

Review of the docket also indicates that summons have not been executed on certain defendants who were named in the original complaint, received on January 23, 2015 (ECF No. 1). The original complaint was administratively terminated on February 19, 2015 (ECF No. 2), and the case was reopened when Plaintiff filed an Amended Complaint. (ECF No. 3.) The Amended Complaint completely superseded the original complaint, and the only defendants remaining in this action are William Briglia, D.O.; Donna Caudill, R.N.; State Corr. Officer Rielly; and Gordon Presley, Psy.D. Summonses were inadvertently issued by the Clerk on all defendants named in the original complaint. (ECF No. 5.) In the event Plaintiff pays the initial partial filing fee and the Court reopens this matter, only Defendants Briglia, Caudill, Rielly and Presley will be required to answer the Amended Complaint, within the extended time given by the Court.

IT IS on this 19th day of June 2015,

ORDERED that Plaintiff shall have 30 days from the date of entry of this order to submit the \$6.49 initial partial filing fee to the Clerk of Court, mailed to Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Camden, NJ 08101; and it is further

ORDERED that, upon receipt of Plaintiff's initial partial filing fee, the Court will direct the Clerk to reopen this matter; and it is further

ORDERED that Defendants' time to answer the complaint is extended until such time as the Court reopens this matter and issues a new deadline for Defendants to answer; and it is further

ORDERED that the Clerk send a copy of this Memorandum and Order to Plaintiff by regular mail; and it is further

ORDERED that the Clerk send a copy of this Memorandum and Order, by regular mail, to Margaret Raymond Flood, Esq, counsel for Defendants Caudill and Presley.

s/Renee Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE