

**CLOSED**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

CURTIS JONES,	:	
	:	Civil Action No. 10-1218 (FSH)
Plaintiff,	:	
	:	
	:	
v.	:	<b>ORDER</b>
	:	
JOHN CITO, ESQ.,	:	
	:	
Defendant.	:	

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

It is on this 15<sup>th</sup> day of July, 2010,

ORDERED that, pursuant to 28 U.S.C. § 1915(a) and (b), the application by plaintiff, Curtis Jones, to proceed in forma pauperis is hereby granted; and it is further

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 Attorney General of the State of New Jersey and on the Warden at the Central Reception and Assignment Facility in West Trenton, New Jersey, where plaintiff was confined at the time he filed this Complaint; 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, in the event plaintiff is still confined and has not been released from prison; 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, to the extent that plaintiff is still confined, 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 the Complaint is DISMISSED WITHOUT PREJUDICE, as against the public defender defendant, John Cito, Esq., for failure to state a claim at this time, pursuant to 28 U.S.C. §§ 1915(e) (2) (B) (ii) and 1915A(b) (1).

S/ Faith S. Hochberg  
FAITH S. HOCHBERG  
United States District Judge