

NOT FOR PUBLICATION

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

Tommy Long,	:	
	:	Civ. No. 15-7407 (SRC)
Plaintiff,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
Charles Green, Warden of Essex	:	
County Correctional Facility,	:	
Individually and in his official	:	
Capacity, and Dr. Lionel Anicette,	:	
Medical Director of Essex County	:	
Correctional Facility,	:	
Individually and in his	:	
official capacity.	:	
	:	
Defendants.	:	

CHESLER, District Judge:

Plaintiff is a pretrial detainee at Essex County Correctional Facility in Newark, New Jersey, and he brought this civil action under 42 U.S.C. § 1983 on October 9, 2015. (Compl., ECF No. 1.) Plaintiff seeks to proceed in forma pauperis. (ECF No. 1-8.) He has also filed a motion for a temporary restraining order and a preliminary injunction, seeking medical care to prolong his life and provide effective pain relief from Stage Four cancer. Having screened the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)

IT IS on this 16th day of October, 2015,

ORDERED that Plaintiff's IFP application (ECF No. 1-8) is GRANTED; it is further

ORDERED that the Clerk of the Court is directed to file the complaint; it is further

ORDERED that pursuant to 28 U.S.C. § 1915(b) and for purposes of account deduction only, the Clerk shall serve a copy of this Order by regular mail upon the Attorney General of the State of New Jersey and the Administrator of Essex County Jail; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 and shall pay the entire filing fee in the manner set forth in this Order, pursuant to 28 U.S.C. § 1915(b)(1) and (2); Section 1915 does not suspend installment payments of the filing fee or permit refund to the prisoner of the filing fee, or any part of it, that has already been paid, regardless of the outcome of the litigation; and it is further

ORDERED that pursuant to Siluk v. Merwin, No. 11-3996, 2015 WL 1600236 (3d Cir. Apr. 10, 2015), if Plaintiff owes fees for more than one court case, whether to a district or appellate court, under the Prison Litigation Reform Act (PLRA) provision governing the mandatory recoupment of filing fees, Plaintiff's monthly income is subject to a single, monthly 20% deduction, "and the cases and/or appeals that an inmate has filed [sha]ll

be paid off sequentially," Siluk, 2015 WL 1600236 at *3 (emphasis in original); i.e., the first-filed case shall be paid off in full, then the second-filed case, etc., until all fees have been paid in full; and it is further

ORDERED that, with respect to this case, when Plaintiff's fees become ripe for payment in accordance with Siluk, in each month that the amount in Plaintiff's account exceeds \$10.00, until the \$350.00 filing fee is paid, the agency having custody of Plaintiff shall assess, deduct from Plaintiff's account, and forward to the Clerk of the Court payment equal to 20% of the preceding month's income credited to Plaintiff's account, pursuant to 28 U.S.C. § 1915(b)(2), and each payment shall reference the civil docket number of this action; it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(d), the Clerk shall issue summons and the United States Marshal shall serve summons, the Complaint and this Order upon Defendants, with all costs of service advanced by the United States; it is further

ORDERED that, pursuant to 42 U.S.C. § 1997e(g)(2), Defendants shall file and serve an answer, see Fed. R. Civ. P. 12(a)(1)(A); and Defendants shall respond to Plaintiff's motion for a temporary restraining order and a preliminary injunction (ECF No. 1-6); and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(e)(1) and § 4(a) of Appendix H of the Local Civil Rules, the Clerk shall notify

Plaintiff of the opportunity to apply in writing to the assigned judge for the appointment of pro bono counsel; it is further

ORDERED that, if at any time prior to the filing of a notice of appearance by Defendants, Plaintiff seeks the appointment of pro bono counsel or other relief, pursuant to Fed. R. Civ. P. 5(a) and (d), Plaintiff shall (1) serve a copy of the application by regular mail upon each party at his last known address and (2) file a Certificate of Service; it is further

ORDERED that the Clerk of Court shall serve a copy of this Order on Plaintiff by regular U.S. Mail.

s/ Stanley R. Chesler

STANLEY R. CHESLER
UNITED STATES DISTRICT JUDGE