

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARREN HARCUM,
Plaintiff,

v.

MARCEL LEBLANC,
Defendant.

:
:
:
:
:
:
:
:
:

CIVIL ACTION

NO. 09-02512

Order

AND NOW on this 2d day of September 2009, upon consideration of plaintiff's motion to proceed *in forma pauperis* (Doc. No. 1) and plaintiff's complaint, **IT IS HEREBY**

ORDERED that:

1. Plaintiff's motion to proceed *in forma pauperis* is **GRANTED**.
2. Plaintiff's complaint is **DISMISSED** to the extent that plaintiff invokes the Fourteenth Amendment as a separate and independent basis for relief.
3. Plaintiff's delay of medical care claim is **DISMISSED**.
4. Plaintiff's Eighth Amendment claim based on defendant's use of prison keys is **DISMISSED**.
5. Plaintiff's Eight Amendment claim based on defendant's kicking him may proceed.

s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge