

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

BENJAMIN FRANKLIN SHAW	:	CIVIL ACTION
	:	
v.	:	
	:	
MR. MICHAEL NUTTER, et al.	:	NO. 14-4755

ORDER

AND NOW, this 20th day of August, 2014, upon consideration of plaintiff's motion to proceed *in forma pauperis* and his *pro se* complaint, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff Benjamin Franklin Shaw, #920736, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by plaintiff, an initial partial filing fee of \$25.81 is assessed. The Warden or other appropriate official at the Curran-Fromhold Correctional Facility or at any other prison at which plaintiff may be incarcerated is directed to deduct \$25.81 from plaintiff's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 14-4755. After the initial partial filing fee is collected and until the full filing fee is paid, the Warden or other appropriate official at the Curran-Fromhold Correctional Facility or at any other prison at which plaintiff may be incarcerated, shall deduct from plaintiff's account, each time that plaintiff's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 14-4755.

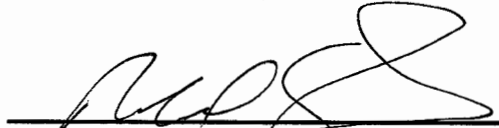
3. The Clerk of Court is directed to send a copy of this order to the Warden of the Curran Fromhold Correctional Facility.

4. The complaint is DISMISSED without prejudice for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum.

5. Plaintiff is given leave to file an amended complaint within thirty (30) days of the date of this Order. If plaintiff files an amended complaint, he shall name all defendants in the caption of the amended complaint in addition to the body of the amended complaint. Upon the filing of an amended complaint, the Clerk shall not make service until so ORDERED by the Court.

6. The Clerk of Court shall CLOSE this case for statistical purposes.

BY THE COURT:



MITCHELL S. GOLDBERG, J.