

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

JOSEF AVERGUN

v.

**GREGORY PROSMUSHKIN
GREGORY PROSMUSHKIN P.C. LAW
OFFICES**

FILED

NOV 10 2015

MICHAEL J. WOOD, Clerk
By _____ Dep. Clerk

CIVIL ACTION

NO. 15-5965

ORDER

AND NOW, this 9th day of November, 2015, 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 Joseph Avergun, #KT-2212, 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 \$9.73 is assessed. The Superintendent or other appropriate official at the State Correctional Institution at Coal Township or at any other prison at which plaintiff may be incarcerated is directed to deduct \$9.73 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. 15-5965. After the initial partial filing fee is collected and until the full filing fee is paid, the Superintendent or other appropriate official at the State Correctional Institution at Coal Township 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

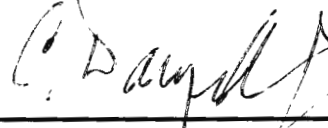
credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 15-5965.

3. The Clerk of Court is directed to send a copy of this order to the Superintendent of the State Correctional Institution at Coal Township.

4. The complaint is DISMISSED. Plaintiff's federal claims are DISMISSED with prejudice for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff's state law claims are DISMISSED for lack of subject matter jurisdiction without prejudice to him refiling those claims in state court.

5. The Clerk of Court shall CLOSE this case.

BY THE COURT:



C. DARNELL JONES, II, J.