

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

RONALD PAUL DAVENPORT : CIVIL ACTION
:
v. :
:
GRADUATE HOSPITAL : NO. 17-2397

ORDER

AND NOW, this ^{19th} day of July, 2017, upon consideration of plaintiff's motion for reconsideration (ECF No. 7), his motion to proceed *in forma pauperis* (ECF No. 8), his prisoner account statements (ECF Nos. 6 & 9), his *pro se* complaint (ECF No. 1), and his motion for appointment of counsel (ECF No. 10) it is ORDERED that:

1. Plaintiff's motion for reconsideration and his motion for leave to proceed *in forma pauperis* are GRANTED.
2. Plaintiff Ronald Paul Davenport, #K-11524, 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, he is not assessed an initial partial filing fee. In each month when the amount in plaintiff's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official at the California State Prison, Solano shall forward payments to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 2609 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106 equaling 20% of the preceding month's income credited to plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 17-2397.
3. The Clerk of Court is directed to send a copy of this order to the Warden of the California State Prison, Solano.

4. The complaint is DISMISSED, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff's claims are dismissed with prejudice with the exception of any claims raised on behalf of Tammi Terrell's estate, which are dismissed without prejudice because plaintiff lacks the authority to bring those claims. Plaintiff may not file an amended complaint in this case.

5. Plaintiff's motion for appointment of counsel is DENIED.

6. The Clerk of Court shall CLOSE this case.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO, J.