

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

DONTA COVERT,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 18-550
	:	
v.	:	
	:	
DEPARTMENT OF COUNTY / STATE	:	
MEDICAL, MENTAL / BEHAVIOR	:	
HEALTH PENN – MEDICINE,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 3rd day of April, 2018, after considering the application to proceed *in forma pauperis*, complaint, amended complaint, and inmate trust fund account statement filed by the *pro se* plaintiff, Donta Covert (Doc. Nos. 1, 3, 7, 8), and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The application to proceed *in forma pauperis* (Doc. No. 7) is **GRANTED** and the plaintiff has leave to proceed *in forma pauperis*;
2. The plaintiff, Donta Covert #779315, shall pay the full filing fee of \$350 in installments, under 28 U.S.C. § 1915(b). Based on the financial information provided by the plaintiff, an initial partial filing fee of \$15.77 is assessed. The warden or other appropriate official at the Curran-Fromhold Correctional Facility, where the plaintiff is presently confined, or at any other prison at which the plaintiff may be confined is directed to deduct \$15.77 from the 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. 18-550. In each succeeding month when the amount in the plaintiff's inmate trust fund account

exceeds \$10.00, the warden or other appropriate official shall forward payments to the clerk of court equaling 20% of the preceding month's income credited to the plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-550;

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 plaintiff's complaint and amended complaint (Doc. Nos. 1, 3) are **DISMISSED** for the failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Rule 8 of the Federal Rules of Civil Procedure. This dismissal is **WITHOUT PREJUDICE** to the plaintiff filing a second amended complaint in this action within thirty (30) days of the date of this order in the event he can cure the defects noted in the court's separately filed memorandum opinion. Any second amended complaint must identify all defendants in the caption and clearly state the basis for the plaintiff's claims against each defendant. Upon the filing of a second amended complaint, the clerk of court shall not make service until so ordered by this court;

5. The clerk of court is **DIRECTED** to send the plaintiff a blank form complaint to be used by a prisoner filing a civil rights action pursuant to 42 U.S.C. § 1983. The clerk of court shall write the civil action number of this case on the complaint form; and

6. If the plaintiff fails to file a second amended complaint within the time set forth in paragraph 4 of this order, the court may dismiss this case for the failure to prosecute without further notice to him.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.