

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

NEIL L. RYANT,
Plaintiff,

v.

MARK HATTY, et al.,
Defendants.

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CIVIL ACTION NO. 18-CV-1848

ORDER

AND NOW, this 17th day of August, 2018, upon consideration of Plaintiff Neil L. Ryant's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 6), the Prisoner Trust Fund Account Statement (ECF No. 7), his *pro se* Complaint and Amended Complaint (ECF Nos. 1, 5), and the Court's June 19, 2018 Order dismissing this case for failure to prosecute (ECF No. 4), it is **ORDERED** that:

1. The Clerk of Court is **DIRECTED** to **REOPEN** this case.
2. The Court's June 19, 2018 Order is **VACATED**.
3. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C.

§ 1915(b).

4. Ryant, #HV-2828, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Ryant, an initial partial filing fee of \$26.17 is assessed. The Superintendent or other appropriate official at SCI Phoenix or at any other prison at which Ryant may be incarcerated is directed to deduct \$26.17 from Ryant'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. 18-1848.

After the initial partial filing fee is collected and until the full filing fee is paid, the Superintendent or other appropriate official at SCI Phoenix or at any other prison at which Ryant may be incarcerated, shall deduct from Ryant's account, each time that Ryant's inmate trust fund account exceeds \$10.00, 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. 18-1848.

5. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Phoenix.

6. The Complaint and Amended Complaint are **DEEMED** filed.

7. The Complaint and Amended Complaint are **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum. Ryant's claims against the Pennsylvania Board of Probation and Parole, the Department of Corrections, and SCI Graterford are **DISMISSED with prejudice**. Any claims challenging Ryant's parole violation sentence, which are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), are **DISMISSED without prejudice** to Ryant's right to pursue them in a new lawsuit if and when he is successful in challenging that sentence. Ryant may not file a second amended complaint in this matter.

8. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Gerald Austin McHugh
United States District Judge