

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

**MALIK A. GILMORE,**  
**Plaintiff,**

**v.**

**JOHN WETZEL, et al.,**  
**Defendants.**

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**CIVIL ACTION NO. 20-CV-3600**

**ORDER**

AND NOW, this 5th day of January, 2021, upon consideration of Plaintiff Malik

A. Gilmore's Motion to Proceed *In Forma Pauperis* (ECF No. 3), his Prisoner Trust Fund Account Statement (ECF No. 4), and his *pro se* Amended Complaint (ECF No. 1), it is

**ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Malik A. Gilmore, #JT-3807, having already submitted partial payments totaling \$125, shall pay the \$225 balance of the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI-Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Gilmore's inmate account; or (b) the average monthly balance in Gilmore's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Gilmore's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Gilmore's

inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent of SCI-Phoenix.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED WITH PREJUDICE** for the reasons stated in the Court's Memorandum for failure to state a claim upon which relief may be granted.

6. The Clerk of Court is **DIRECTED** to close this case.

**BY THE COURT:**

s/ J. Curtis Joyner

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**J. CURTIS JOYNER, J.**