

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

MATTHEW D. MCKENNA,

Plaintiff,

v.

ANTHONY J. MIGNELLA, et al.

Defendants.

CIVIL ACTION
NO. 16-1017

ORDER

AND NOW, this 7th day of July, 2016, upon a review of the docket and consideration of Plaintiff's filings, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** as follows:

1. Plaintiff's "Statement" (Doc. #9) is viewed as an amended application to proceed *in forma pauperis* in response to the Court's prior order, and that application is **GRANTED**.
2. Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and for the other reasons stated in the accompanying memorandum opinion.
3. Plaintiff is given **leave to file an amended complaint within 60 days** of the date of this order. If Plaintiff files an amended complaint, he should state as clearly as possible what his legal causes of action are; he should also provide some indication that those causes of action are not barred by the applicable statutes of limitation.

4. If Plaintiff files an amended complaint, summonses shall not issue and **service shall not be made until ordered by the Court.** If and when the Court orders service, it will be made by the U.S. Marshals Service.
5. Plaintiff's request for entry of default (Doc. #10) and motion for default judgment (Doc. #11) are **DENIED.** No defendant shall have an obligation to respond unless and until Plaintiff files an amended complaint and the Court orders it to be served.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.