

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

BARRY KIRKLAND, : **CIVIL NO. 1:CV-13-2588**
Plaintiff, :
: **(Judge Kane)**

v. :
:
.....

JOHN KERESTES, et al.,
Defendants :

BARRY KIRKLAND, : **CIVIL NO. 1:CV-13-2841**
Plaintiff, :
: **(Judge Kane)**

v. :
:
.....

JOHN KERESTES, et al.,
Defendants :

ORDER

AND NOW, this 5th day of December, 2013, for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's motions for leave to proceed in forma pauperis in Civil Action No. 13-CV-2588 (Doc. No. 4) and Civil Action No. 13-CV-2841 are construed to be motions to proceed without full prepayment of the filing fee, and are **granted**.
2. The Clerk of Court is directed to consolidate Kirkland v. Kerestes, et al., Civil No. 1:13-CV-2841 into Kirkland v. Kerestes, et al., Civil No. 1:13-CV-2588, and to close Civil No. 1:13-CV-2841.
3. The consolidated complaint in Civil No. 1:13-CV-2588 is **dismissed** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
4. Any and all pending motions are **denied as moot**.
5. The Clerk of Court is directed to **close this consolidated case**.

6. Any appeal taken from this order will be deemed frivolous, without probable cause and not taken in good faith.

S/ Yvette Kane
YVETTE KANE, Judge
Middle District of Pennsylvania