

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

TERRY MCCARTY,	:	
Plaintiff,	:	1:17-cv-2186
	:	
v.	:	Hon. John E. Jones III
	:	
WARDEN TOM MCGINLEY, C.	:	
HEDRAY,	:	
Defendants.	:	

**ORDER**

**December 1, 2017**

NOW THEREFORE, upon consideration of Plaintiff’s Complaint (Doc. 1), and in accordance with the Court’s Memorandum of the same date, it is hereby ORDERED that:

1. Plaintiff’s motion (Doc. 2) to proceed *in forma pauperis* is construed as a motion to proceed without full prepayment of fees and costs and is GRANTED.
2. Plaintiff’s complaint (Doc. 1) is DISMISSED pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is DEEMED frivolous and not in good faith. *See* 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III  
John E. Jones III  
United States District Judge