

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

BLONDELL SIMMONS, :
 :
 Plaintiff :
 :
 v. : CIVIL ACTION NO. 3:13-0254
 :
 (JUDGE MANNION)
 JEFFREY A. BEARD, et al., :
 :
 Defendants :

ORDER

AND NOW, THIS 16th DAY OF MAY, 2013, for the reasons set forth in
the Memorandum of this date, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's motions to proceed *in forma pauperis* (Doc. Nos. [2](#) and [12](#)) are **GRANTED** only for the purpose of filing the complaint.
2. The complaint is **DISMISSED**, as frivolous, pursuant to 28 U.S.C. §1915(e)(2)(B)(I).
3. Plaintiff's motion for appointment of counsel (Doc. No. [4](#)) is **DISMISSED** as moot.
4. The Clerk of Court is directed to **CLOSE** this case.
5. Any appeal from this order will be deemed frivolous, not taken in good faith and lacking probable cause.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge