

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

CHANDAR A. SNOW,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

CIVIL ACTION NO. 3:13-0789

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

ORDER

NOW, this 17th day of July, 2013, **IT IS HEREBY ORDERED** that:

- (1) Upon review of Magistrate Judge Blewitt's Report and Recommendation (Doc. 8) for clear error or manifest injustice, the Report and Recommendation (Doc. 8) is **ADOPTED**. Plaintiff shall file an amended complaint consistent with the Report and Recommendation within **thirty (30) days** from the date of entry of this Order or the action will be dismissed.
- (2) Plaintiff's Application to Proceed *In Forma Pauperis* (Doc. 5) is **GRANTED**. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 2) is **DENIED as moot**.
- (3) Plaintiff's Request to Discharge and/or Expunge Administrative Order to pay \$350.00 Filing Fee under Civil Action No. 3:13-CV-0789 (Doc 9) is **DENIED** because Plaintiff "filed a complaint and an application to proceed *in forma pauperis*; 28 U.S.C. § 1915 makes clear that filing fees shall be assessed, and makes no provision for a refund of such fees." *Williams v. United States District Court for the District of New Jersey*, 455 F. App'x 142, 144 (3d Cir. 2011) (citing 28 U.S.C. § 1915(b); *Porter v. Dep't of Treasury*, 564 F.3d 176, 179 (3d Cir. 2009)).¹
- (4) The matter is **RECOMMITTED** to Magistrate Judge Blewitt for further proceedings.


A. Richard Caputo
United States District Judge

¹ Because Plaintiff's request to be discharged from his obligation to pay the filing fee is denied, his motion to withdraw the complaint is also denied. However, if Plaintiff nevertheless maintains his desire to abandon the pursuit of his claims in this action, he should renew his request by motion.