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

TYWAN JAMES, : CIVIL NO. 3:16-CV-2417

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**Plaintiff** : (Judge Munley)

:

**v.** 

:

WARDEN ODDO, et al.,

:

**Defendants**:

## **ORDER**

AND NOW, to wit, this 6<sup>th</sup> day of February 2017, upon consideration of Plaintiff's complaint, and for the reasons set forth in the Court's Memorandum of the same date, it is hereby ORDERED that:

- 1. Plaintiff's motion (Doc. 12) to proceed *in forma pauperis* is GRANTED.
- 2. The complaint (Doc. 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e) (2)(B)(ii).
- 3. Plaintiff's motion (Doc 11) to appoint counsel is DENIED.
- 4. Plaintiff's motion (Doc. 9) for an extension of time to file a brief in support of his motion to appoint counsel is DENIED as moot.
- 5. The Clerk of Court is directed to CLOSE this case.
- 6. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

BY THE COURT:

s/James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court