

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM J. PASSERELLA, :
 :
 Plaintiff : CIVIL ACTION NO. 3:21-1716
 :
 v. : (JUDGE MANNION)
 :
 MS. LEWIS, et al., :
 :
 Defendants :

ORDER

In accordance with the Memorandum issued this date, **IT IS HEREBY**

ORDERED THAT:

1. Plaintiff's application (Doc. 5) to proceed *in forma pauperis* is construed as a request to proceed without full prepayment of fees and is **GRANTED**.
2. Plaintiff shall **PAY** the full filing fee of \$350.00, based on the financial information provided in the Applications for Leave to Proceed *In Forma Pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation.
3. Pursuant to 28 U.S.C. §1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to **DEDUCT** an initial partial filing fee of 20% of the greater of:

(A) the average monthly deposits in the inmate's prison account for the past six months, or

(B) the average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of

Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

4. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent/Warden of the institution at which Plaintiff is presently confined.
5. The Complaint is **DEEMED** filed.
6. Plaintiff's complaint is **DISMISSED** without prejudice pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).
7. The Clerk of Court is directed to **CLOSE** this case.
8. Any appeal from this Order is **DEEMED** frivolous and not taken in good faith. 28 U.S.C. §1915(a)(3).

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

Dated: November 15, 2021
21-1716-01-ORDER