

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

TYRONE GREEN,

Plaintiff,

1:14cv0159

ELECTRONICALLY FILED

v.

RAYMOND BURKHART,  
JOHN HAGGERTY, JOHN GILARA,  
DANIEL PACK, JOHN CHILES, and  
SERGEANT CHERNOSKY,

Defendants.

**MEMORANDUM ORDER**

Petitioner has filed a “Motion for Attorney’s Fees.” ECF 239. In this Motion, Petitioner requests “attorney/paralegal fees” at \$100.00 per hour. Petitioner also requests reimbursement for his costs, specifically, “filing fees, copying fees, postage, and supplies.” Petitioner’s Motion will be denied as follows.

First, Petitioner is not entitled to recover for “attorney’s fees” and thus, the Court will deny this portion of the Motion. A *pro se* litigant who is not a lawyer is not entitled to attorney’s fees. *Kay v. Ehrler*, 499 U.S. 432, 435 (1991). A rule that authorizes awards of counsel fees to *pro se* litigants -- even if limited to those who are members of the bar -- would create a disincentive to employ counsel whenever such a plaintiff considered himself competent to litigate on his own behalf. *Id.* at 437. The statutory policy of furthering the successful prosecution of meritorious claims is better served by a rule that creates an incentive to retain counsel in every such case. *Id.*

Second, the Court will deny as premature the portion of the Motion that requests reimbursement of his costs. Petitioner has filed an appeal with the United States Court of Appeals for the Third Circuit, and until that appeal is fully litigated, the request for reimbursement of costs is premature. Petitioner may re-raise this narrow issue at the appropriate time.

**SO ORDERED**, this 4<sup>th</sup> day of October, 2017.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All ECF Registered Counsel of Record  
and  
**TYRONE GREEN**  
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PRO SE