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

DAVID C. KLING,   )
)   Civil Action No. 21 – 16
            Plaintiff,   )
)
               v.   )   Magistrate Judge Lisa Pupo Lenihan
)
SCI FAYETTE,   )
)
            Defendant.   )
)

ORDER

David C. Kling ("Plaintiff") has mailed to the Court a letter addressed to Chief District Judge Mark R. Hornak, who instructed the Clerk to file it as a civil rights complaint in a new case. The Clerk of Court thus filed it at the above actioned case number. It unclear whether Plaintiff intended this letter to act as a civil rights complaint, but, assuming that he did, this case may not proceed unless he either,

(1) tenders to the "Clerk, U.S. District Court" a statutory filing fee in the amount of $402.00, or,

(2) files a properly completed application to proceed *in forma pauperis*, along with an authorization form and a certified copy of his prison account statement for the six (6) months preceding the filing of the complaint. An application to proceed *in forma pauperis* and authorization form are enclosed.

Therefore,

IT IS HEREBY ORDERED this 6th day of January, 2021, that the Clerk of Court mark this case **CLOSED**.

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IT IS FURTHER ORDERED that the Plaintiff may submit a motion to proceed *in forma pauperis*, along with a certified copy of the inmate account statement for the six (6) months preceding the filing of the complaint. If that motion is granted, the case will be reopened.

IT IS FURTHER ORDERED that in lieu of filing a motion to proceed *in forma pauperis*, the Plaintiff may also reopen this case by paying the $402.00 filing fee.

AND IT IS FURTHER ORDERED that Plaintiff is allowed fourteen (14) days from this date to appeal this order to a District Judge pursuant to Rule 72.C.2 of the Local Rules. Failure to appeal within fourteen (14) days may constitute waiver of the right to appeal.

<div style="text-align: right;">

/s/ Lisa Pupo Lenihan

Lisa Pupo Lenihan
United States Magistrate Judge

</div>

Cc: David C. Kling
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        SCI Fayette
        50 Overlook Drive
        LaBelle, PA 15450