

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

KENNETH BURNO, STANLEY	)	
CHARLTON, THOMAS WRIGHT,	)	Civil Action No. 16-260J
KEITH WEBBER, WILLIAM	)	
CLARK, and RAHIEM MURPHY,	)	
	)	
Plaintiffs,	)	District Judge Kim R. Gibson
	)	Magistrate Judge Lisa Pupo Lenihan
v.	)	
	)	
MOBOLAJI WOJUOLA, Chaplaincy	)	
Dir., SCI Houtzdale, <i>et al.</i>	)	
	)	
Defendants.	)	

**ORDER**

On September 1, 2017, Plaintiff Kenneth Burno submitted an Amended Complaint wherein he names five additional Plaintiffs – Stanley Charlton, Thomas Wright, Keith Webber, William Clark and Rahiem Murphy. In Hagan v. Rogers, 570 F.3d 146 (3d Cir. 2009), the Court of Appeals for the Third Circuit held that *in forma pauperis* prisoners are not categorically barred from joining as plaintiffs under Federal Rule of Civil Procedure 20, and further addressed certain consequences applicable to civil cases in which multiple prisoner plaintiffs seek to join in one action pursuant to Rule 20. For example, it held that where the entire \$350.00 filing fee has not been prepaid, the full \$350.00 filing fee must be assessed against each *in forma pauperis* co-plaintiff to join under Rule 20, as though each plaintiff were proceeding individually. Id. at 150.

Here, the filing fee was not prepaid. Plaintiff Burno submitted an application to proceed *in forma pauperis* when he initiated this action on December 8, 2016, and his request was granted subject to a \$83.38 initial partial filing fee as provided by 28 U.S.C. § 1915(b)(1)(A). Plaintiff paid \$113.38 as an initial partial filing fee on January 5, 2017.

In order for this action to proceed with the five new Plaintiffs, they must also either prepay the entire filing fee, which as of May 1, 2013 is now \$400.00,<sup>1</sup> or they may submit applications to proceed *in forma pauperis*. If Plaintiffs do not prepay the entire \$400.00 filing fee then they must submit a properly completed application to proceed *in forma pauperis* along with a certified copy of their account statements for the last six (6) months and the authorization form that is enclosed with this Order. If their motions are granted, then they will be joined as plaintiffs in this action. Accordingly, this 13th day of September, 2017,

**IT IS HEREBY ORDERED** that within fourteen (14) days of the date of this Order, the five new additional Plaintiffs must either

- 1) tender to the "Clerk, U.S. District Court" a statutory filing fee in the amount of \$400.00, or,
- 2) file a properly completed application to proceed *in forma pauperis*, along with an authorization form and a certified copy of their account statement for the last six (6) months. The authorization form is enclosed with this Order.

Failure to do so will result in their failure to be joined as plaintiffs in this action.

**AND IT IS FURTHER ORDERED** that the parties are allowed fourteen (14) days from this date to appeal this order to a district judge pursuant to Local Rule 72.C.2. Failure to appeal within fourteen (14) days may constitute waiver of the right to appeal.

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<sup>1</sup> On May 1, 2013, the cost of filing a new civil case in federal court increased to \$400.00. This increase includes a \$50.00 administrative fee in addition to the current \$350.00 filing fee. However, the \$50.00 administrative fee does not apply to prisoner cases filed *in forma pauperis* under 28 U.S.C. § 1915. Thus, if a prisoner is granted *in forma pauperis* then he is subject only to a \$350.00 filing fee.

/s/Lisa Pupo Lenihan  
Lisa Pupo Lenihan  
United States Magistrate Judge

Cc: Kenneth Burno, FZ-0691  
Stanley Charlton, GB-7059  
Thomas Wright, GY-5821  
Keith Weber, KF-3282  
William Clark, LF-0471  
Rahiem Murphy, FD-2435

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John P. Senich, Jr.  
(Via CM/ECF electronic mail)