

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

RONALD CLARK,	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	NO. 11-6691
	:	
JOHN E. WETZEL, MICHAEL WENEROWICZ,	:	
PA DEPARTMENT OF CORRECTIONS, and	:	
PA DEPARTMENT OF CORRECTIONS OFFICE:	:	
OF CHIEF,	:	
Defendants.	:	

**ORDER**

AND NOW, this 24th day of January, 2012, **IT IS ORDERED** as follows:

1. The Order of November 10, 2011, granting plaintiff's Motion to Proceed *In Forma Pauperis* (Document No. 6), and the Order of December 15, 2011, denying the Commonwealth's Motion to Reconsider the Grant of *In forma Pauperis* Status to Plaintiff (Document No. 20) are **VACATED**;
2. The Commonwealth's Motion to Reconsider the Grant of *In Forma Pauperis* Status to Plaintiff (Document No. 12) is **GRANTED**;
3. Plaintiff's Motion to Proceed *In Forma Pauperis* is **DENIED**, pursuant to 28 U.S.C. § 1915(g),<sup>1</sup> for the reason that he, has, on three or more prior occasions while incarcerated, had a civil action or appeal dismissed as frivolous, malicious, or for failure to state a viable claim,<sup>2</sup> and plaintiff has failed to plead facts which support a reasonable conclusion that

---

<sup>1</sup>Title 28 U.S.C. § 1915(g) provides that "In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or confined in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury."

<sup>2</sup>In the United States District Court for the Western District of Pennsylvania, Civil Action No. 06-1274 was dismissed for failure to state a claim upon which relief may be granted and

he was in imminent danger of serious physical injury at the time he filed this civil action;<sup>3</sup>

4. Plaintiff may reinstate this case by remitting the filing fee of \$350 to the Clerk of Court within thirty (30) days from the date of this Order;

5. The Commonwealth's Motion to Dismiss (Document No. 23) is **DENIED** as Moot; and,

6. The Clerk of Court shall mark this case **CLOSED** statistically.

**IF IS FURTHER ORDERED** that, by reason of the foregoing, the Preliminary Pretrial Conference scheduled for Friday, January 27, 2012, at 10:00 A.M., is **CANCELLED**.

**BY THE COURT:**

/s/ **Jan E. DuBois**

---

**JAN E. DUBOIS, J.**

---

pursuant to the Prison Litigation Reform Act by Order dated January 14, 2008. In the United States District Court for the Eastern District of Pennsylvania, Civil Action No. 94-6550 was dismissed as frivolous by Order dated November 1, 1994 and Civil Action No. 94-6549 was dismissed as frivolous by Order dated November 1, 1994.

<sup>3</sup>See *Abdul-Akbar v. McKelvie*, 239 F.3d 307, 312 (3d Cir. 2001).