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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 93-7820

WILMER B. GAY, ET AL.

vs.

ERNEST D. PREATE, JR., ET AL.

(M.D. PA. CIV. NO. 93-01079)

Present: BECKER, NYGAARD AND ROTH, CIRCUIT JUDGES

Submitted are appellants' affidavits in support of motion to proceed in forma pauperis, which the Court may wish to treat as motions for leave to appeal in forma pauperis, pursuant to Rule 24, Federal Rules of Appellate Procedure

in the above-captioned case.

Respectfully,

P. Douglas Sisk
Clerk

PDS/WRN/zm

ORDER

The motion to proceed in forma pauperis is granted; however, the appeal is dismissed as it is without arguable legal and/or factual merit under 28 U.S.C. § 1915(d).

RECEIVED AND FILED

5/5/94
P. DOUGLAS SISK,
CLERK

By the Court,

Robert Becker
Circuit Judge

Dated: MAY 05 1994

AWJ/cc: ADD
WRG
RCH
WCM
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J&J-D