

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

No. 19-3429

Charles Talbert v. Blanche Carney, et al

(U.S. District Court No.: 2-18-cv-01620)

**ORDER**

Pursuant to Fed. R. App. P. 3(a) and 3rd Cir. LAR 3.3 and Misc. 107.1(a), it is

ORDERED that the above-captioned case is hereby dismissed for failure to timely prosecute insofar as appellant failed to pay the requisite fee as directed. It is

FURTHER ORDERED that a certified copy of this order be issued in lieu of a formal mandate.

For the Court,

s/ Patricia S. Dodszuweit  
Clerk

Dated: March 10, 2020

CJG/cc: Ms. Kate Barkman  
Zachary G. Strassburger, Esq.  
Charles Talbert



A True Copy:

*Patricia S. Dodszuweit*

Patricia S. Dodszuweit, Clerk  
Certified Order Issued in Lieu of Mandate

BLD-120

February 20, 2020

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 19-3429

CHARLES TALBERT, Appellant

v.

BLANCHE CARNEY; ET AL.

(E.D. Pa. No. 2:18-cv-01620)

Present: BIBAS, Circuit Judge

Submitted are

- (1) Appellant's motion to proceed in forma pauperis;
- (2) Appellees' response to Appellant's motion to proceed in forma pauperis;
- (3) Appellant's motion alleging imminent danger; and
- (4) Appellees' response to Appellant's motion alleging imminent danger

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant's motion to proceed in forma pauperis (IFP) is denied. Appellant has at least three strikes against him under 28 U.S.C. § 1915(g). Appellant thus can proceed IFP in this appeal only if he was "under imminent danger of serious physical injury" at the time he filed his appeal. Id.; see Abdul-Akbar v. McKelvie, 239 F.3d 307, 312 (3d Cir. 2001) (en banc). Appellant has not made this showing, as his allegations concerning his physical condition in solitary confinement do not "represent 'imminent dangers' which are 'about to occur at any moment or are impending.'" See Ball v. Famiglio, 726 F.3d 448, 468 (3d Cir. 2013) (quoting Abdul-Akbar, 239 F.3d at 315), abrogated on other grounds by Coleman v. Tollefson, 135 S. Ct. 1759 (2015). And his allegation that he is in imminent danger

of being attacked by prison guards or inmates is speculative, particularly as he states that he is safe in solitary confinement.

Accordingly, if Appellant wishes to proceed with his appeal, he must pay the full applicable filing and docketing fees in the amount of \$505 to the Clerk of the United States District Court for the Eastern District of Pennsylvania within 14 days of the date of this order. No extensions of time to pay the fees will be granted. Failure to pay the filing and docketing fees within that time will result in dismissal of the appeal without further notice. See 3d Cir. L.A.R. Misc. 107.1(a).

By the Court,

s/Stephanos Bibas  
Circuit Judge

Dated: February 21, 2020

CJG/cc: Charles Talbert  
Zachary G. Strassburger, Esq.

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

<b>CHARLES TALBERT</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	<b>NO. 18-1620</b>
	:	
<b>BLANCHE CARNEY, <i>et al</i></b>	:	

**JUDGMENT**

**AND NOW**, this 10<sup>th</sup> day of September 2019, in accordance with the Jury's unanimous September 5, 2019 verdict, and consistent with the verdict, it is **ORDERED JUDGMENT** is entered in favor of Defendants Blanche Carney, Gerald May and Terrance Clark and against Plaintiff Charles Talbert.

  
\_\_\_\_\_  
KEARNEY, J.

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

CHARLES TALBERT	:	CIVIL ACTION
	:	
v.	:	NO. 18-1620
	:	
BLANCHE CARNEY, <i>et al.</i>	:	

**ORDER**

AND NOW, this 4<sup>th</sup> day of October 2019, upon considering the *pro se* Plaintiff's Petition for an opinion which we liberally construe as untimely seeking reconsideration (ECF Doc. No. 181) of our September 10, 2019 Judgment (ECF Doc. No. 167), it is **ORDERED** the *pro se* Plaintiff's Request (ECF Doc. No. 181) is **GRANTED** to clarify our September 6, 2019 Judgment (ECF Doc. No. 165) mistakenly closed the case before resolving Plaintiff's claims against remaining Defendant Officer Shaniqua Ford; we vacated this September 6, 2019 Judgment (ECF Doc. No. 166); issued a new Judgment on September 10, 2019 (ECF Doc. No. 167) confirming the case is not closed but judgment is entered in favor of Blanche Carney, Gerald May, and Terrance Clark; and, we continue to proceed with Officer Shaniqua Ford's unopposed Motion to strike (ECF Doc. No. 173).

  
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KEARNEY, J.