

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 07-1412

Hagan v. Rogers

(N.J. No. 06-cv-05033)

To: Clerk

- 1) Motion by Appellants, James Hemphill, Efraim Esquilin, Christopher Mark, Louis G. Johnston, Jr., Toboris Wright, Cristos Papacristos, Tymil Mason, Claude Franklin, Peter Braun, Ronald Young, Allan Lovenson and Lewis Ira Hagen to proceed in forma pauperis

It appearing that the issue of how to assess filing fees in multi-plaintiff cases is an open question in this circuit, the clerk's orders of March 9, 2007 and March 12, 2007 granting in forma pauperis status and assessing filing fees are vacated. The motions to proceed in forma pauperis are referred to the motions panel, which will also consider the issue of jurisdiction. The motions panel will also consider whether summary action under Third Circuit Local Rule 27.4 and I.O.P. 10.6 is appropriate. I.O.P. 10.6 provides, "The court, sua sponte or upon motion by a party, may take summary action affirming, enforcing, or reversing the judgement or order appealed from if it clearly appears that no substantial question is presented... ." The parties may submit argument addressing the issue of assessment of fees and/or summary action within 21 days of the date of this order.

For the Court,

/s/ Marcia M. Waldron
Clerk

Dated: March 15, 2007

CMH/cc: JH, EE, CM, LGJ, TW, CP, TM, CF,PB, RY, AL, LIH