

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

RICHARD PRESLEY, A.K.A. : CIVIL ACTION
RICHARD URBANSKI :
 :
 :
 v. :
 :
 :
 PENNSYLVANIA DEPARTMENT OF :
 CORRECTIONS, et al. : No. 99-2088

ORDER - MEMORANDUM

AND NOW, this 27th day of August, 1999, plaintiff Richard Presley's motion to proceed in forma pauperis (docket no. 25) and for appointment of counsel (docket no. 20) and his request for special library privileges (docket no. 22) are denied, without prejudice to resubmission to the Court of Appeals.

Shortly after this prisoner civil rights action was filed, plaintiff was granted leave to proceed in forma pauperis. At his request, he was also assigned counsel from the prisoners' civil rights panel; however, three panel attorneys rejected the assignment, and the appointment was withdrawn. On July 15, 1999 defendants' motion to dismiss was granted for failure to exhaust administrative remedies. Upon motion, plaintiff was granted an extension of time to file a motion for reconsideration. On August 12, 1999 plaintiff filed an "affidavit" for an order "to go to the law library more than the given days that are allotted to us."

On August 17, 1999, plaintiff filed a notice of appeal and, at the same time, moved in this court for appointment of counsel and to proceed in forma pauperis. These motions may have been intended for the Court of Appeals.

Because plaintiff filed a notice of appeal, this court lacks jurisdiction to entertain pending matters. Since plaintiff has already been granted leave to proceed in forma pauperis, he need not reapply. Fed. R. App. P. 24(a).

Edmund V. Ludwig, J.