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Pruden v. Schuylkill Cty

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-3072

RONALD PRUDEN,
Appellant

v.

SCHUYLKILL COUNTY PRISON MEDICAL STAFF;
SCI CAMP HILL DOCTORS & STAFF;
SCI CRESSON, Ms. Nolan & Doctor;
SCI HOUTZDALE, Doctor;
SCI HUNTINGDON, Dr. Alterman, Unit Manager, SOU

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil No. 07-cv-00006)
District Judge: Honorable A. Richard Caputo

Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B)
or Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
October 12, 2007

Before: MCKEE, RENDELL and SMITH, Circuit Judges

(Opinion filed: November 6, 2007)

OPINION

PER CURIAM

Appellant, Ronald Pruden, appeals from the order of the United States District Court for the Middle District of Pennsylvania dismissing his post-judgment motion for

the appointment of counsel and motion to consolidate his cases as moot. For the reasons that follow, we will dismiss his appeal pursuant to 28 U.S.C. § 1915(e)(2)(B).

On January 3, 2007, Pruden filed a complaint pursuant to 42 U.S.C. § 1983. The District Court determined that the injunctive relief Appellant sought was no longer available and dismissed the complaint as moot. Pruden appealed, and we dismissed his appeal for his failure to timely prosecute. C.A. No. 07-1319. Thereafter, Pruden filed several motions requesting counsel and consolidation of his cases. The District Court denied the motions as moot because Pruden's case had been closed. Pruden appeals from the denial of his third motion.

We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1292(a)(1). Because Pruden has been granted in forma pauperis status pursuant to 28 U.S.C. § 1915, we review this appeal for possible dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B). An appeal may be dismissed if it has no arguable basis in law or fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989).

We conclude that the District Court properly denied Pruden's motion for counsel and motion to consolidate as moot. Because Pruden's complaint had been dismissed and the action closed, the District Court had no alternative except to deny the motions.

For the foregoing reasons, we will dismiss this appeal pursuant to 28 U.S.C. § 1915(e)(2)(B). Pruden's motion for counsel is denied.