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States Court of Appeals  
for the Third Circuit

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7-2-2007

## Spence v. Water Revenue Bur

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ALD-272

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NO. 07-1084

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KEVIN SPENCE,

Appellant

v.

WATER REVENUE BUREAU, City of Philadelphia

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On Appeal From the United States District Court  
For the Eastern District of Pennsylvania  
(D.C. Civ. No. 06-cv-05190)  
District Judge: Honorable Stewart Dalzell

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Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B)  
June 21, 2007

Before: SLOVITER, CHAGARES AND GREENBERG, CIRCUIT JUDGES

(Filed July 2, 2007)

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OPINION

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PER CURIAM

Appellant, Kevin Spence, proceeding pro se and in forma pauperis, appeals an order of the United States District Court for the Eastern District of Pennsylvania dismissing his complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). The District Court

dismissed the complaint without prejudice and gave Spence an opportunity to file an amended complaint. Spence chose to commence the instant appeal rather than file an amended complaint, thereby expressing his intention to stand on his complaint as filed. The order being appealed is therefore final and appealable. See Borelli v. City of Reading, 532 F.2d 950, 951-52 (3d Cir. 1976).

We agree with the District Court that the complaint is inadequate under the notice pleading requirements of FED. R. CIV. P. 8(a). As best we can tell from the cryptic statements in the complaint, the instant suit arises from a billing dispute with the Water Revenue Bureau. However, despite affording Spence the leeway properly allowed pro se litigants, we are unable to discern the factual basis for his claims or the legal theory on which he relies. Accordingly, we will dismiss the appeal under 28 U.S.C. § 1915(e)(2)(B).