

MANDATE

S.D.N.Y.-N.Y.C.
05-cv-10169
Batts, J.
Fox, M.J.

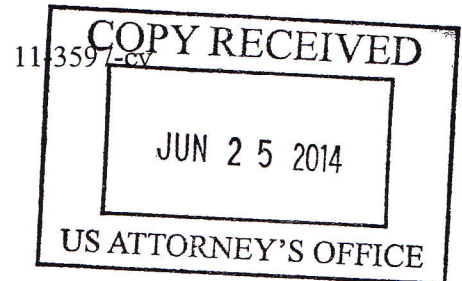
United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 13th day of January, two thousand twelve,

Present:

Ralph K. Winter,
Peter W. Hall,
Denny Chin,
Circuit Judges.

Benjamin Cunningham,
Plaintiff-Appellant,
v.
John Does, #1-#12, *et al.*,
Defendants-Appellees,
United States Marshals Service, *et al.*,
Defendants.



Appellant, *pro se* at the time of filing his motion, moves for leave to proceed *in forma pauperis*. Upon due consideration, it is hereby ORDERED that the motion is DENIED as moot as he has now paid the filing fee. It is further ORDERED that Appellant's claims are DISMISSED as frivolous. *See Pillay v. I.N.S.*, 45 F.3d 14, 17 (2d Cir. 1995)(per curiam) (“[T]his court has inherent authority to dismiss an appeal or petition for review as frivolous when the appeal or petition presents no arguably meritorious issue for our consideration.”)

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit
SAO-NS

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MANDATE ISSUED ON 02/14/2012