

**UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA**

**Eric Heilner, et al. v. Attorney General of the Commonwealth of
Pennsylvania, et al.**

Heilner · No. 1:25-CV-01043 · Decided December 1, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania dismissed without prejudice claims brought by several plaintiffs and granted Plaintiff Rivera leave to proceed in forma pauperis subject to payment of the filing fee under 28 U.S.C. § 1915. The court deemed the complaint filed but dismissed it without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii), denied class certification, and permitted the plaintiffs to file an amended complaint by January 2, 2026. The order also directed the Clerk to obtain trust account information and provide Plaintiff Heilner with the correct in forma pauperis application.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA ERIC HEILNER, et al., Civil No. 1:25-CV-01043 Plaintiffs, v.: ATTORNEY GENERAL OF THE COMMONWEALTH OF PENNSYLVANIA, et al., Defendants.: Judge Jennifer P. Wilson ORDER AND NOW, on this 1st day of December, 2025, for the reasons set forth in the accompanying memorandum, IT IS ORDERED THAT: 1.

Claims raised by Plaintiffs Dantzler-Harris, Cunagin, Zernicke, and Settle are DISMISSED without prejudice pursuant to 28 U.S.C. § 1914. 2. Plaintiff Rivera's application for leave to proceed in forma pauperis, Doc. 7, is GRANTED. 3. Plaintiff Rivera shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed in forma pauperis.

The full filing fee shall be paid regardless of the outcome of the litigation. 4. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff Rivera's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of: (A) the average monthly deposits in the inmate's prison account for the past six months, or (B) the average monthly balance in the inmate's prison account for the past six months.

5. The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number.

In each succeeding month, when the amount in the Plaintiff's inmate prison account exceeds \$10.00, the Superintendent / Warden, or other proper official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff Rivera's prison account until the \$350.00 fee is paid. Each payment shall reference the above-captioned docket number.

6. The Clerk of Court shall send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff Rivera is presently confined. 7. The Clerk of the Court shall send administrative orders to the Warden of the facilities that house Plaintiffs Hoffman and Heilner seeking copies of their prisoner trust fund account statements. 8.

The Clerk of the Court shall send Plaintiff Heilner the civil rights application to proceed in forma pauperis, Doc. 4-1. 9. Plaintiff Heilner will file the correct application to proceed in forma pauperis by January 2, 2026. 10.

The complaint, Doc. 1, is deemed FILED. 11. The complaint is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). 12. Plaintiffs request for class certification is DENIED. 13. Plaintiffs may file an amended complaint by January 2, 2026.¹ If no amended complaint is filed, the court will close the case. s/Jennifer P. Wilson JENNIFER P. WILSON United States District Judge Middle District of Pennsylvania 1 If Plaintiffs do not wish to amend the complaint, they may file a notice stating that they intend to stand on the complaint.

If Plaintiffs file such notice, the court will enter a final order dismissing the complaint so that an appeal may be filed. See *Weber v. McGrogan*, 939 F.3d 232, 241 (3d Cir. 2019).