

GLD-134

February 22, 2013

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **12-2854**

HARRY DELANDRO; KAREN MURPHY,
individually and on behalf of a class of others similarly situated

vs.

COUNTY OF ALLEGHENY

THOMAS CROCK*, Appellant
(*Pursuant to Fed. R. App. P. 12(a))

(W.D. Pa. Civ. No. 06-cv-00927)

Present: FUENTES, FISHER and GREENBERG, Circuit Judges

Submitted are:

- (1) Appellant's motion to proceed in forma pauperis;
 - (2) By the Clerk, the within appeal for possible dismissal pursuant to 28 U.S.C. § 1915(e)(2) or possible summary action pursuant to Third Circuit L.A.R. 27.4 and I.O.P. 10.6; and
 - (3) Appellant's argument in support of appeal
- in the above-captioned case

Respectfully,

Clerk

MMW/JDM/pdb

ORDER

Appellant's motion to proceed in forma pauperis is granted. We have appellate jurisdiction under 28 U.S.C. § 1291 and review the District Court's June 1, 2012, order for abuse of discretion. See Klier v. Elf Atochem N. Am., Inc., 658 F.3d 468, 474 (5th Cir. 2011); In re Airline Ticket Comm'n Antitrust Litig., 307 F.3d 679, 682 (8th Cir. 2002). After a careful review of the record, we discern no error in the District Court's

decision to approve class counsel's request to distribute the residual settlement funds to the cy pres beneficiary, which is in accord with the terms of the parties' settlement agreement. See also In re Baby Products Antitrust Litig., --- F.3d ---, 2013 WL 599662, at *5 (3d Cir. Feb. 19, 2013) ("cy pres distributions are most appropriate where further individual distributions are economically infeasible"). Appellant's objections to the cy pres distribution are untimely and unsupported. Consequently, we hereby summarily affirm the District Court's order because this appeal presents no substantial question. See 3d Cir. L.A.R. 27.4; I.O.P. 10.6.

By the Court,

/s/ D. Michael Fisher

Circuit Judge

Dated: February 26, 2013

PDB/cc: Thomas Crock

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The seal of the United States Court of Appeals for the Third Circuit is circular. It features an eagle with spread wings perched atop a shield. The shield is divided into sections, and the eagle is surrounded by a ring of stars. The text "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" is inscribed around the perimeter of the seal.
Certified as a true copy and issued in lieu
of a formal mandate on March 20, 2013

Teste: *Marcia M. Waldron*

Clerk, U.S. Court of Appeals for the Third Circuit