

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RECKO M. ELLIS,

Plaintiff,

v.

JACOB LEW, *et al.*,

Defendants.

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Civil Action No. 16-1427 (UNA).

MEMORANDUM OPINION

This matter comes before the Court on review of the plaintiff's application to proceed *in forma pauperis*. For the reasons discussed below, the motion will be denied.

Generally, a plaintiff is required to pay a filing fee in full. *See* 28 U.S.C. §§ 1914(a), 1915(b)(1). Pursuant to the Prison Litigation Reform Act ("PLRA"), "[a] prisoner who qualifies for [*in forma pauperis*] status . . . need not pay the full filing fee at the time he brings suit," and instead he is allowed to "pay the filing fee in installments over time." *Asemani v. U.S. Citizenship & Immigration Servs.*, 797 F.3d 1069, 1072 (D.C. Cir. 2015) (citations omitted). However, certain prisoners cannot qualify for *in forma pauperis* status under the PLRA's "three strikes" rule:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.


Id. (quoting 28 U.S.C. § 1915(g)); *see* 28 U.S.C. §§ 1915(e)(2)(B), 1915A(b). This plaintiff has accumulated three strikes. *See Ellis v. ABL Food Serv.*, No. 7:07CV8, 2007 WL 196860, at *2

(M.D. Ga. Jan. 23, 2007) (dismissing complaint as frivolous under 28 U.S.C. § 1915(e)(2)); *Ellis v. Dees*, No. 7:07-CV-94, 2007 WL 2375829, at *2 (M.D. Ga. Aug. 14, 2007) (dismissing complaint as frivolous under 28 U.S.C. § 1915(e)(2)); *Ellis v. Cain*, No. 7:07-CV-93, 2007 WL 2345251, at *2 (M.D. Ga. Aug. 14, 2007) (dismissing plaintiff's 42 U.S.C. § 1983 action as frivolous pursuant to 28 U.S.C. § 1915A). Under these circumstances, the plaintiff may proceed *in forma pauperis* only if he is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). He fails to allege facts showing that he is under imminent danger of serious physical injury and, therefore, his application to proceed *in forma pauperis* must be denied.

An Order consistent with this Memorandum Opinion is issued separately.

DATE:

8/31/16



United States District Judge