

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ELVIS WAYNE JONES,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 17-887 (UNA)
	:	
POLUNSKY DISCIPLINARY & CLASSIFY OFFICIALS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

MEMORANDUM OPINION

Pursuant to the Prison Litigation Reform Act (“PLRA”), *in forma pauperis* status does not relieve a prisoner plaintiff of his obligation to pay the filing fee in full. *Asemani v. U.S. Citizenship & Immigration Servs.*, 797 F.3d 1069, 1072 (D.C. Cir. 2015). Rather than “pay the full filing fee at the time he brings suit . . . he can pay the filing fee in installments over time.” *Id.* (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)).


This plaintiff has accumulated more than three strikes. *Jones v. Texas TDCJ ID Admin.*, No. 2:12CV19 (D. Me. Mar. 5, 2012) (dismissed as frivolous and for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)); *Jones v. City of Austin*, No. 3:09CV77 (D. Alaska May 12, 2009) (dismissed as frivolous and for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)); *Jones v. Beaumont Judicial Court*, No. 1:98CV1472 (E.D. Tex. Feb. 24, 1999) (dismissed with

prejudice as frivolous); *Jones v. West*, No. 1:97CV685 (E.D. Tex. Feb. 17, 1999) (dismissed as frivolous and for failure to state a claim); *see also Jones v. Unnamed Defendant*, No. 1:14CV1367 (N.D. Ga. June 6, 2014) (denying leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(g)); *Jones v. Hampton*, No. 7:05CV112 (N.D. Tex. June 23, 2005) (denying leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(g)). Because the plaintiff does not demonstrate that he is now facing an imminent danger of serious physical injury, he does not fall within the sole exception to the “three strikes” provision of the PLRA.

The Court will deny the plaintiff’s application to proceed *in forma pauperis* and dismiss this civil action without prejudice. The plaintiff may file a motion to reopen this case upon payment in full of the \$350 filing fee.

An Order is issued separately.

DATE: 6/15/2017


United States District Judge