

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES EDWARD WALLACE,)
)
Plaintiff,)
)
v.)
)
PHIL BRYANT,)
)
Defendant.)

CASE NO. 2:17-CV-292-WKW
[WO]

ORDER

Before the court is the Recommendation of the Magistrate Judge (Doc. # 4), to which Plaintiff James Edward Wallace has filed objections (Doc. # 5). The court has conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b).

Mr. Wallace brings only one relevant objection:¹ his claim that he is under imminent danger of serious physical injury. As a basis for this claim, he points not to individualized concerns or particularized facts, but rather to “all the killings, stabbing [sic] here at this max facility.” (Doc. # 5 at 2.) Such “vague statements do not satisfy the dictates of § 1915(g).” *Skillern v. Paul*, 202 F. App’x 343, 344 (11th

¹ Mr. Wallace also makes several objections that are irrelevant to the Magistrate Judge’s recommended disposition of dismissal under 28 U.S.C. § 1915(g). These objections are without merit and will not be considered.

Cir. 2006). Without identifying specific facts that show an impending threat of serious physical harm, Mr. Wallace cannot avoid application of the PLRA's three-strikes rule, and cannot proceed *in forma pauperis*.

Accordingly, it is ORDERED as follows:

1. Plaintiff James Edward Wallace's objection (Doc. # 5) is OVERRULED;

2. The Recommendation of the Magistrate Judge (Doc. # 4) is ADOPTED;

3. Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. # 2) is DENIED; and

4. This case is DISMISSED without prejudice for Plaintiff's failure to pay the filing and administrative fees upon initiation of the case.

A final judgment will be entered separately.

DONE this 29th day of June, 2017.

/s/ W. Keith Watkins

CHIEF UNITED STATES DISTRICT JUDGE