

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

ORİYOMI ALOBA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:23-cv-00255-LCB-SGC
)	
BUREAU OF PRISONS,)	
)	
Defendant.)	

MEMORANDUM OPINION

The magistrate judge entered a report on April 13, 2023, recommending the dismissal of this action without prejudice under the so-called “three strikes” provision of 28 U.S.C. § 1915(g). (Doc. 4). Following receipt of a notice of change of address, the Clerk of Court sent a copy of the report and recommendation to the plaintiff’s new address on April 26, 2023. (Doc. 6). The plaintiff has objected. (Doc. 8).

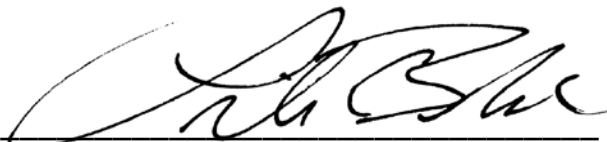
The plaintiff’s objections contend the three-strikes provision is an unconstitutional barrier to his right to access the courts. (Doc. 8). The court notes the three-strikes rule does not bar access to the courts; instead, it requires prisoners with a history of frivolous litigation to pre-pay filing and administrative fees unless they allege imminent danger of serious physical injury. Here, the plaintiff’s complaint seeks records under the Freedom of Information Act. (Doc. 1 at 1-2; *see*

Doc. 8 at 2). Accordingly, the plaintiff's complaint is subject to § 1915(g). In any event, the court declines the plaintiff's invitation to declare the three-strikes provision unconstitutional. The plaintiff's objections are **OVERRULED**. (Doc. 8).

After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation, all claims presented in this matter are due to be dismissed without prejudice under the three-strikes provision of 28 U.S.C. § 1915(g).

A final judgment will be entered.

DONE and **ORDERED** May 22, 2023.



LILES C. BURKE
UNITED STATES DISTRICT JUDGE