

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DUANE EARL FANNING, III
(AIS: 263799),

Plaintiff,

vs.

COI L. GRAHAM,

Defendant.

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CIVIL ACTION NO.13-00538-WS-B

JUDGMENT

It is **ORDERED, ADJUDGED, and DECREED** that Fanning's Motion to Proceed Without Prepayment of Fees (Doc. 2) be **DENIED**, that this action be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), and that action be counted as a strike for purposes of future IFP eligibility under § 1915(g), in that it is malicious.

DONE this 6th day of January, 2014.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE