

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

EARNEST T. FRIAR, JR.

PLAINTIFF

v.

No. 1:17-cv-100-DPM

HAROLD S. ERWIN, Judge,  
Jackson County Circuit Court,  
STEVEN G. HOWARD, Prosecuting  
Attorney, SCOTT NANCE, Public  
Defender, WRIGHTSVILLE UNIT,  
Arkansas Department of Correction,  
MARK HARMON, Arkansas Parole  
Board, ACC Agent

DEFENDANTS

ORDER

1. Friar moves to proceed *in forma pauperis*. No 1. But he's a three-striker. 28 U.S.C. § 1915(g). Before filing this lawsuit, he had at least three cases dismissed for failing to state a claim. *E.g.*, *Friar v. Jackson County Sheriff Department*, 1:14-cv-97-BSM; *Friar v. Jackson County Sheriff Department*, 1:16-cv-27-BSM; and *Friar v. Wrightsville Unit*, 4:17-cv-486-SWW. His new allegations include complaints about the Sharp County Detention Center. No 2. But he was transferred to another facility before he filed this case; and nothing in his complaint shows he's currently in imminent danger of serious physical injury. 28 U.S.C. § 1915(g). His motion to proceed *in forma pauperis*, No 1, is therefore denied.

2. Friar's complaint will be dismissed without prejudice. If Friar wants to pursue this case, then he must pay the \$400 filing and administrative fees and file a motion to reopen this case by 30 November 2017. An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

DP Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

31 October 2017