

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

**NICHOLAS CORTEZ ADDISON**

**PLAINTIFF**

**V.**

**CASE NO. 3:15-CV-00236 BRW/BD**

**JOEY MARTIN**

**DEFENDANT**

**ORDER**

On August 13, 2015, Plaintiff Nicholas Cortez Addison, an inmate in the Poinsett County Detention Center, filed this action pro se under 42 U.S.C. § 1983, claiming that Defendant Martin violated his constitutional rights. (Docket entry #2) Mr. Addison also moved to proceed *in forma pauperis* (“IFP”). (#1)

Because of his litigation history, Mr. Addison is not eligible for IFP status in federal court absent an allegation that he is in imminent danger of serious physical injury.<sup>1</sup> Here, Mr. Addison did not plead facts alleging that he was in imminent danger of serious physical injury, so his motion to proceed IFP was denied. (#5)

The Court allowed Mr. Addison thirty days to pay the \$400 filing fee necessary to proceed with this lawsuit. (#5) Mr. Addison was specifically cautioned that his failure to pay the filing fee could result in dismissal of his claims, without prejudice.

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<sup>1</sup> The following dismissals constitute “strikes” against Mr. Addison for purposes of determining eligibility for IFP status: *Addison v. Martin*, et al., E.D. Ark. Case No. 3:15cv1-JM (dismissed Feb. 2, 2015); *Addison v. Muse*, E.D. Ark. Case No. 3:15cv133-JM (dismissed June 2, 2015); *Addison v. Martin*, 3:15cv96-DPM (dismissed June 12, 2015).

To date, Mr. Addison has failed to pay the filing fee, as required in the Court's August 17, 2015 Order. The time for doing so has passed.

Mr. Addison's claims are hereby DISMISSED, without prejudice, based on his failure to comply with the Court's August 17, 2015 Order requiring him to pay the filing fee.

IT IS SO ORDERED, this 8<sup>th</sup> day of October, 2015.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE