

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

NICHOLAS ADDISON

PLAINTIFF

v.

NO. 3:15CV00290 JLH/JTR

JOEY MARTIN, Administrator; and  
POINSETT COUNTY DETENTION CENTER

DEFENDANTS

**OPINION AND ORDER**

Nicholas Addison is a prisoner in the Poinsett County Detention Center. He has filed a *pro se* § 1983 complaint and an application to proceed *in forma pauperis*.

The Prison Litigation Reform Act provides that a prisoner cannot proceed *in forma pauperis* “if the prisoner has on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g); *see also Higgins v. Carpenter*, 258 F.3d 797, 800 (8th Cir. 2002) (holding that § 1915(g) is constitutional).

Prior to filing this lawsuit on September 15, 2015, Addison filed at least five cases that were dismissed for failing to state a claim upon which relief may be granted. *See Addison v. Martin*, 3:15CV00001; *Addison v. Martin*, 3:15CV00091; *Addison v. Martin*, 3:15CV00096; *Addison v. Doe*, 3:15CV00121; and *Addison v. Muse*, 3:15CV00133.

Nevertheless, Addison may proceed *in forma pauperis* if he falls under the “imminent danger” exception to the three strikes rule. *See* 28 U.S.C. § 1915(g). Nothing in the complaint suggests that Addison is currently in imminent danger of serious physical injury.

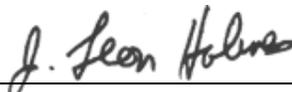
IT IS THEREFORE ORDERED THAT:

1. Addison's application to proceed *in forma pauperis* is denied, and this case is dismissed without prejudice. Document #1.

2. If Addison wishes to continue this case, he must, **within thirty days of the entry of this Opinion and Order**: (a) pay the \$400 filing fee in full, noting the above case style and number; and (b) file a motion to reopen the case

3. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith.

IT IS SO ORDERED this 21st day of September, 2015.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE