

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

**NICHOLAS ADDISON**

**PLAINTIFF**

**v.**

**CASE NO. 3:15CV00314 BSM**

**JOEY MARTIN**

**DEFENDANT**

**ORDER**

Plaintiff Nicholas Addison's application to proceed *in forma pauperis* [Doc. No. 1] is denied, and this case is dismissed without prejudice.

A prisoner cannot proceed *in forma pauperis* if he "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). Prior to filing this case, Addison had at least five cases dismissed for failing to state a claim upon which relief may be granted. *See Addison v. Martin*, Case No. 3:15CV00001 (E.D. Ark. 2015); *Addison v. Martin*, Case No. 3:15CV00009 (E.D. Ark. 2015); *Addison v. Martin*, Case No. 3:15CV00096 (E.D. Ark. 2015); *Addison v. Doe*, Case No. 3:15CV00121 (E.D. Ark. 2015); *Addison v. Muse*, Case No. 3:15CV00133 (E.D. Ark. 2015). The imminent danger exception is not applicable because the complaint does not suggest that he is in danger.

Accordingly, Addison's application to proceed *in forma pauperis* [Doc. No. 1] is denied, and his complaint [Doc. No. 2] is dismissed without prejudice. Addison has thirty

(30) days from the entry of this order to pay the \$400 filing fee in full and file a motion to reopen the case.

DATED this 5th day of October 2015.

  
UNITED STATES DISTRICT JUDGE