

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

THELMA WILLIAMS, ADC #93197

PLAINTIFF

V.

No. 4:11CV00290 JMM

D.P. MARSHALL, JR.

DEFENDANT

ORDER

Plaintiff Thelma Williams, an inmate confined in the Varner Supermax Unit of the Arkansas Department of Correction, filed a *pro se* Complaint (docket entry #1). Mr. Williams, however, has not paid the \$350.00 filing fee. Mr. Williams may not proceed *in forma pauperis* because he is considered a “three striker” under 28 U.S.C. § 1915(g). That section provides that a prisoner may not proceed *in forma pauperis* in a civil action 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.

Mr. Williams has filed at least ten lawsuits in the Eastern District of Arkansas.¹ Of those, at least three were dismissed for failure to state a claim.² Further, his appeal of

¹ *Williams v. Myers*, 5:90cv00508; *Williams v. Curl*, 5:91cv00164; *Williams v. Gibson*, 5:07cv00178; *Williams v. Bennett*, 5:07cv00179; *Williams v. Park*, 5:07cv00180; *Williams v. Smallwood*, 5:07cv00181; *Williams v. Hill*, 5:07cv00299, *Williams v. Cook*, 5:07cv00300; *Williams v. Johnson*, 5:08cv00006; and *Williams v. Edward*, 2:08cv00188.

² See *Williams v. Gibson*, 5:07cv00178 (dismissed August 13, 2007); *Williams v. Bennett*, 5:07cv00179 (dismissed August 17, 2007); and *Williams v. Smallwood*, 5:07cv00181 (dismissed September 13, 2007).

Williams v. Gibson, 5:07cv00178, 8th Cir. Case No. 07-3023, also counts as a strike.³

Barring an exception, Mr. Williams is not eligible to proceed *in forma pauperis*.

Here, Mr. Williams claims that Judge D.P. Marshall, Jr. retaliated against him and subjected him to cruel and unusual punishment. Although Mr. Williams claims that he has been subjected to “torture,” he does not offer any factual allegations to support this statement. Furthermore, he does not state that he is under imminent danger of serious physical harm. Accordingly, Mr. Williams cannot proceed *in forma pauperis*. If he wishes to pursue this action, he must pay the \$350.00 filing fee within thirty (30) days from the entry of this Order. Failure to pay the filing fee will result in dismissal of this action.

IT IS SO ORDERED this 11th day of April, 2011.


UNITED STATES DISTRICT JUDGE

³ Following a complete review of the District Court’s original file under Eighth Circuit Rule 47A(a), the judgment of the District Court was summarily affirmed on February 13, 2008. See *Henderson v. Norris*, 129 F.3d 481, 485 (8th Cir. 1997). Further, a prisoner can accrue two strikes in one case. See *Higgins v. Carpenter*, 258 F.3d 797, 801 (8th Cir. 2001) (per curiam) (counting two district court dismissals and two summary affirmances as four strikes).