

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

LEODIS RANDLE

PLAINTIFF

v.

No. 4:18-cv-126-DPM

BARRY SIMS and GENISE-KEY

DEFENDANTS

ORDER

Randle hasn't paid the filing and administrative fees in this case. And a motion to proceed *in forma pauperis* would be futile because Randle is a three-striker. Before filing this lawsuit, he'd had at least three cases dismissed for failing to state a claim. *E.g., Randle v. Peters, et al.*, No. 4:14-cv-280-BRW; *Randle v. Hall, et al.*, No. 4:14-cv-357-JLH; *Randle v. Arkansas, et al.*, No. 4:17-cv-291-BSM. And though Randle says he was previously assaulted, his new complaint doesn't show that he was in imminent danger of serious physical injury at the time he filed suit. 28 U.S.C. § 1915(g); *McAlphin v. Toney*, 281 F.3d 709, 711 (8th Cir. 2002). His complaint will therefore be dismissed without prejudice.

If Randle wants to pursue this case, then he must pay \$400 (the filing and administrative fees) and file a motion to reopen the case by 16 March 2018. An *in forma pauperis* appeal from this Order and accompanying Judgment will not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

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

14 February 2018