

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

ROBERT PHILPOTT  
ADC # 111495

PLAINTIFF

v.

No. 4:24-cv-1035-DPM

JOHN FELTS, Chair, Arkansas  
Post Prison Transfer Board;  
BRENT MORGAN, Member,  
Arkansas Post Prison Transfer  
Board; LONA MCCAFLAIN,  
Director, Arkansas Post Prison  
Transfer Board; WILLIE ROBINSON,  
Member, Arkansas Post Prison  
Transfer Board; ANDY SHOCK,  
Member, Arkansas Post Prison  
Transfer Board; WENDY LYALS,  
Member, Arkansas Post Prison  
Transfer Board; SARAH HUCKABEE  
SANDERS, Governor, Arkansas; and  
DOUG SMITH, Member, Arkansas  
Post Prison Transfer Board

DEFENDANTS

ORDER

1. Philpott is a three-striker. Before filing this lawsuit, he had at least three cases dismissed for failing to state a claim. *E.g., Philpott v. Sebastian County Courthouse, et al.*, Case No. 2:11-cv-2101-PKH (W.D. Ark.); *Philpott v. Barnett*, No. 2:07-cv-02074-JLH (W.D. Ark.); and *Philpott v. Arkansas, et al.*, No. 5:07-cv-161-JLH (E.D. Ark). Nothing in

Philpott's new complaint, *Doc. 2*, suggests he's currently in imminent danger of serious physical injury. 28 U.S.C. § 1915(g). His complaint will therefore be dismissed without prejudice.

2. If Philpott wants to pursue this case, then he must pay \$405 (the filing and administrative fees) and file a motion to reopen the case by 3 February 2025. 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).

3. Philpott's motion for the appointment of counsel, *Doc. 2*, is denied.

4. The Court directs the Clerk to correct the spelling of Philpott's name on the docket sheet.

So Ordered.

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

3 January 2025