

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

**JEFFREY ELMORE  
ADC #091418**

**PLAINTIFF**

**V. NO. 4:24-cv-01048-LPR-ERE**

**BRITTENY BOLEK., et al.**

**DEFENDANTS**

**RECOMMENDED DISPOSITION**

**I. Procedures for Filing Objections:**

This Recommendation has been sent to United States District Judge Lee P. Rudofsky. You may file written objections to all or part of this Recommendation. Any objections filed must: (1) specifically explain the factual and/or legal basis for the objection; and (2) be received by the Clerk of this Court within fourteen (14) days of the date of this Recommendation. If you do not object, you risk waiving the right to appeal questions of fact and Judge Rudofsky can adopt this Recommendation without independently reviewing the record.

**II. Discussion:**

On November 27, 2024, *pro se* plaintiff Jeffrey Elmore, an Arkansas Division of Correction (“ADC”) inmate, filed this action under 42 U.S.C. § 1983. *Doc. 2*. Because Mr. Elmore is a “three-striker,”<sup>1</sup> he can proceed with this case without

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<sup>1</sup> The following dismissals should be considered “strikes” for purposes of 28 U.S.C. § 1915(g): *Elmore v. Bass, et al.*, E.D. Ark. Case No. 4:24-cv-01100-LPR (Oct. 30, 2024)

paying the filing fee (also known as “in forma pauperis”) only if he is currently in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g); *Ashley v. Dilworth*, 147 F.3d 715, 717 (8th Cir. 1998).

Mr. Elmore’s complaint alleges that ADC official have violated First Amendment rights by interfering with his access to the mail. The facts and claims alleged are insufficient to reasonably suggest that Mr. Elmore currently faces an imminent danger of serious physical injury.

On December 2, 2024, based on Mr. Elmore’s status as a three-striker and his failure to satisfy the imminent-danger-of-serious-physical-injury standard, the Court ordered Mr. Elmore to pay the \$405.00 filing fee within 30 days. *Doc. 5*. The Order specifically cautioned Mr. Elmore that his failure to pay the filing fee would result in dismissal of his claims, without prejudice.

To date, Mr. Elmore has not paid the statutory filing fee and the deadline to do so has passed.

### **III. Conclusion:**

IT IS THEREFORE RECOMMENDED THAT:

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dismissal for failure to state a claim); *Elmore v. King, et al.*, E.D. Ark. Case No. 4:24-cv-00354-BRW (June 20, 2024 dismissal for same); and *Elmore v. Does, et al.*, E.D. Ark. Case No. 4:24-cv-00263-BSM (April 30, 2024 dismissal for same).

1. Mr. Elmore's complaint be DISMISSED, without prejudice, based on his failure to: (1) comply with this Court's December 2, 2024 Order requiring him to pay the filing fee; and (2) prosecute this lawsuit.

2. The Clerk be instructed to close this case.

Dated 7 January 2025.

  
UNITED STATES MAGISTRATE JUDGE