

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

THELMA WILLIAMS
ADC #93197

PLAINTIFF

v.

Case No. 5:10-cv-362-DPM-JJV

L. FREE, B. SMALLWOOD,
CURTIS MEINZER, and JIMMY
BANKS

DEFENDANTS

ORDER

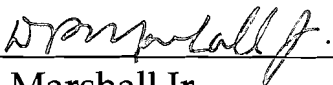
On 16 February 2011, the Court denied Williams's motion to proceed *in forma pauperis* and directed him to pay the \$350 filing fee within 30 days, *Document No. 6*, based on Williams's status as a three-striker under the Prison Litigation Reform Act, 28 U.S.C. § 1915(g). Williams has failed to do so. In his Response, Williams states he cannot afford the filing fee and has "little or no means of support." *Document No. 8, at 2.*

In two unofficial grievances attached to a "brief motion to the courts," Williams claims to be in imminent danger. *Document No. 5, at 2-3.* But "the requisite imminent danger of serious physical injury must exist at the time the complaint or the appeal is filed[.]" *Martin v. Shelton*, 319 F.3d 1048, 1050 (8th

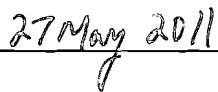
Cir. 2003). Williams's four-month old allegations show no imminent threat. So the statute's exception to the three-strikes rule does not apply. 28 U.S.C.A. § 1915(g) (West 2006).

Williams's complaint is therefore dismissed without prejudice. An *in forma pauperis* appeal of this Order and Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.



D.P. Marshall Jr.
United States District Judge



27 May 2011