

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

WALLACE A. GARDNER, ADC # 110784

PLAINTIFF

v.

5:16CV00024-DPM-JJV

CHRISTOPHER BUDNIK, Deputy Warden,  
Varner Unit; *et al.*

DEFENDANTS

**ORDER**

On March 4, 2016, I revoked Plaintiff's *in forma pauperis* ('IFP') status after finding he was not in imminent danger of serious harm. (Doc. No. 30.) Now, he has asked me to reconsider that ruling. (Doc. No. 36.) After review of Plaintiff's arguments, I decline to reverse my decision.

In reaching my decision to revoke Plaintiff's IFP status, I relied on medical records produced by Defendants. These records indicated Plaintiff had made no medical complaints related to paint fumes since October 16, 2015 - several months before this action was filed.<sup>1</sup> (Doc. No. 21-2 at 2-7.) In his Motion for Reconsideration, Plaintiff argues he voiced complaints of headaches well after that date - notably on November 6, 2015, and again on January 27, 2016. (Doc. No. 36 at 1.) First, it is unclear whether these headaches are related to his alleged exposure to paint fumes. Defendants state Plaintiff is not currently being treated for any health issues associated with exposure. (Doc. No. 21 at 5.) Additionally, his medical records indicate Plaintiff's sick calls have been intermittent rather than constant and, since his alleged exposure, he has frequently failed to raise any medical complaints whatsoever during staff rounds. (Doc. No. 21-2 at 2-7.) As stated in my previous Order, this clear lack of medical urgency weighs heavily against Plaintiff's claim that he was in imminent danger at the time this suit was filed.

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<sup>1</sup>This action was filed on January 25, 2016. (Doc. No. 2.)

Based on the foregoing, Plaintiff's Motion for Reconsideration (Doc. No. 36) is DENIED.

DATED this 16th day of March, 2016.

A handwritten signature in black ink, appearing to read 'Joe J. Volpe', written in a cursive style.

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JOE J. VOLPE  
UNITED STATES MAGISTRATE JUDGE