

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

BOBBY DWAYNE WILLIAMS

PLAINTIFF

v.

Case No. 15-6031

HALE, *et al.*

DEFENDANTS

ORDER

Now on this 21st day of October 2015, there comes on for consideration the report and recommendation filed herein on October 1, 2015, by the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas. (Doc. 34). Also before the Court are Plaintiff's objections. (Doc. 35).

The court has reviewed this case *de novo* and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Defendants' Motion to Revoke Plaintiff's Status *In Forma Pauperis* (doc. 25) is GRANTED, and Williams' IFP status is revoked pursuant to the "three strikes" rule found in 28 U.S.C. § 1915(g). Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE to his right to re-open it with payment of the appropriate filing fee. See *Witzke v. Hiller*, 966 F. Supp. 538, 540 (E.D. Mich. 1997) (revoking IFP status under § 1915(g) and dismissing action without prejudice to inmate's right to re-file it upon payment of filing fee). Williams is instructed to file a motion to reopen the action upon payment to the United States District Clerk of the proper filing fee.

In the event that Williams tenders the filing fee, he will also be responsible for other costs associated with this action. Additionally, Williams is precluded from filing any future civil action IFP, unless he is under imminent danger of serious physical injury.

The U.S. District Clerk is directed to provisionally file any new action in which Bobby Dwayne Williams seeks to proceed IFP. The Magistrate Judge shall then review the action and, if it is a civil action, rather than a criminal or habeas one, and, if Williams has not asserted a valid claim that he is under imminent danger of serious physical injury, the Magistrate Judge shall recommend that IFP status be denied.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge