

ORIGINAL

In the United States Court of Federal Claims

No. 16-386T

(Filed: July 11, 2016)

FILED

JUL 11 2016

U.S. COURT OF FEDERAL CLAIMS

SIDNEY MARTS,

Plaintiff,

v.

THE UNITED STATES,


Defendant.

ORDER

On March 25, 2016, pro se Plaintiff Sidney Marts, currently incarcerated in a Florida Department of Corrections facility, filed a complaint and a motion for leave to proceed in forma pauperis with this Court. Mr. Marts claims he is owed a tax refund from the Internal Revenue Service. When the Court receives a complaint from a prisoner, it must first determine whether the complaint is frivolous, malicious, or fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915A (2012). If a prisoner files three or more civil actions or appeals that are dismissed for being frivolous, malicious, or failing to state a claim upon which relief may be granted, that prisoner is barred from initiating further suits or appeals without first paying the requisite filing fee, unless he is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Section 1915(g) is known as the "three-strikes" rule. See Leaming v. United States, 114 Fed. Cl. 201, 203 (2014).

On June 8, 2016, this Court issued an order confirming that Mr. Marts is barred from bringing this complaint without first paying the filing fee because of the three-strikes rule. In that order, the Court explained that if Mr. Marts wished to pursue his claims in this Court, he would have to pay the filing fee. See 28 U.S.C. § 1926(a); RCFC 77.1(c)(1) (incorporating the fee schedule prescribed by the Judicial Conference of the United States for this court). The Court informed Mr. Marts that failure to pay the required filing fee within 30 days of the order would result in dismissal of his complaint. To date, Mr. Marts has failed to pay the required fee. Accordingly, Mr. Marts's complaint is DISMISSED.

IT IS SO ORDERED.



THOMAS C. WHEELER
Judge