

ORIGINAL

In the United States Court of Federal Claims

No. 17-405C

(Filed: April 17, 2017)

FILED

APR 17 2017

U.S. COURT OF FEDERAL CLAIMS

\*\*\*\*\*  
 \*  
 FAUNCE LEVON PEARCE \*  
 \*  
 Plaintiff, \*  
 \*  
 v. \*  
 \*  
 THE UNITED STATES, \*  
 \*  
 Defendant. \*  
 \*  
 \*\*\*\*\*

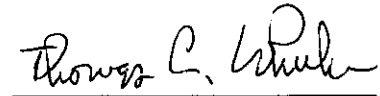
DISMISSAL ORDER

On March 20, 2017, the Court received Mr. Faunce Pearce’s complaint alleging that the Department of Transportation illegally seized his personal property. Compl. at 2. Mr. Pearce is currently incarcerated and appearing *pro se*. According to 28 U.S.C. § 1915(g), a prisoner may not bring a civil action if he has had more than three civil actions dismissed as frivolous, malicious, or for failure to state a claim upon which relief can be granted unless the prisoner is under imminent threat of serious physical injury. Mr. Pearce has previously had three civil cases dismissed “on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted: Case Numbers 8:01-cv-1745-T-16 (M.D. Fla.); 8:15-cv-2082-T-36 (M.D. Fla.); 8:16-cv-1394-T-23 (M.D. Fla.)” Pearce v. United States, No. 16-2167 (M.D. Fla. Aug. 3, 2016).

After careful review of the complaint, the Court concludes that Mr. Pearce has failed to allege facts showing he is under imminent threat of serious physical injury. As a result, because Mr. Pearce has previously filed at least three complaints that were dismissed as frivolous, malicious, or for failure to state a claim, he must pay the full filing fee prior to the Court filing his complaint. See 28 U.S.C. § 1915(g).

On March 24, 2017, this Court ordered Mr. Pearce to pay the \$400 filing fee on or before Thursday, April 13, 2017. To date, Mr. Pearce has not paid the mandatory filing fee. Therefore, this case is dismissed for failure to prosecute. The clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Handwritten signature of Thomas C. Wheeler in cursive script.

THOMAS C. WHEELER

Judge