

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

LA DARRELLE DIXON,

Plaintiff,

v.

UNKNOWN LAW ENFORCEMENT
OFFICER, et al.,

Defendants.

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CIVIL ACTION NO.: 2:21-cv-6

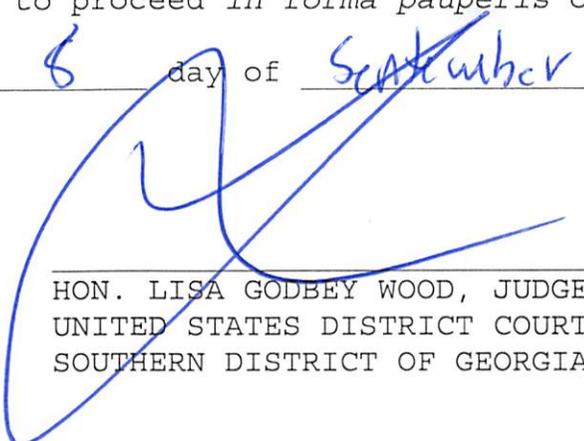
ORDER

This matter is before the Court on Plaintiff's Objections to the Magistrate Judge's August 11, 2021 Report and Recommendation. Dkt. No. 31. In his Order and Report and Recommendation, the Magistrate Judge vacated his previous Order granting Plaintiff's motion for leave to proceed *in forma pauperis* and recommended dismissal of Plaintiff's case under 28 U.S.C. § 1915(g). Dkt. No. 30. Since granting Plaintiff's motion, the Court identified Plaintiff as a "three-striker" under 28 U.S.C. § 1915(g). Thus, he was required to prepay the entire filing fee or plead an imminent danger. 28 U.S.C. § 1915(g).

Plaintiff has not done either. Thus, his claim is due to be dismissed. In his Objections, Plaintiff suggests this action should not be dismissed because his motion to proceed *in forma pauperis* was granted prior to him being identified as a "three-striker" in Dixon v. Glynn Cnty. Sheriff's Dep't, Case No. 2:21-cv-45, ECF No. 9. However, the Magistrate Judge did not rely on this case as a "strike" when recommending Plaintiff's claims should be dismissed. All of the cases the Magistrate Judge relied upon pre-date Plaintiff's filing of this case. Dkt. No. 30 at 2-3. Thus, the Magistrate Judge appropriately vacated his previous Order and recommended dismissal of Plaintiff's Complaint once he did discover Plaintiff was a "three-striker." Additionally, Plaintiff states the Court should consider a more recent assault and kidnapping that occurred on March 8, 2021. Dkt. No. 31 at 2. However, Plaintiff has not moved to amend his Complaint to add these new allegations. Furthermore, Plaintiff fails to articulate why this more recent past assault puts him in present imminent danger. Brown v. Johnson, 387 F.3d 1344, 1349 (11th Cir. 2004) ("[A] prisoner must allege a present imminent danger, as opposed to a past danger, to proceed under section 1915(g)"). Accordingly, the Court **OVERRULES** Plaintiff's Objections and **CONCURS** with the Magistrate Judge's August 11, 2021 Report and Recommendation. The Court **DISMISSES** without prejudice Plaintiff's Complaint, **DIRECTS** the Clerk of

Court to **CLOSE** this case and enter the appropriate judgment, and **DENIES** Plaintiff leave to proceed *in forma pauperis* on appeal.

SO ORDERED, this 8 day of September, 2021.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA