

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL STEVEN BANKS #A81938,)	
)	
Plaintiff,)	
)	
v.)	No. 09 C 5792
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This Court has just learned, as a result of its periodic updating of a printout of motions pending in cases assigned to its calendar, that Michael Steven Banks ("Banks") has taken an appeal from this Court's dismissal of Banks' pro se lawsuit and, in conjunction with that appeal, has moved for leave to proceed on appeal in forma pauperis.¹ This memorandum order hastens to address Banks' previously-unknown request.

In this Court's view, it is really an understatement to characterize Banks' ongoing efforts to proceed in forma pauperis as frivolous. As this Court's September 21, 2009 memorandum opinion and order ("Opinion") reflected, Banks had earlier accumulated three "strikes" in the terms defined by 28 U.S.C.

¹ Because Banks had failed to comply with this District Court's rule requiring the submission of an additional copy of every court filing for delivery to the chambers of the judge assigned to the case, this Court had no prior awareness of his motion.

§1915(g).² And that being the case, Banks was required to pay the full \$350 District Court filing fee before he could go ahead with his lawsuit.

Nevertheless the Opinion went on to look at Banks' substantive charges and found them independently dismissible under Section 1915A(b)(1) as "frivolous, malicious, for fail[ing] to state a claim upon which relief may be granted." Although its extra effort was perhaps gratuitous, this Court engaged in that brief discussion to suggest to Banks that it would be a waste of money for him to scrape up the filing fee in an effort to proceed.

Nothing daunted, Banks then filed a motion for reconsideration that in turn triggered this Court's brief October 14 memorandum order denying relief. And now Banks, as stated at the outset, is seeking to pursue his bootless claims at the appellate level.

And because Section 1915(g) applies to that effort as well,³ his current motion for leave to proceed on appeal in forma pauperis is denied. And once again the inadequacy of his claims

² All further references to Title 28's provisions will simply take the form "Section--."

³ Having now been made aware of that provision, Banks distorts his previously existing allegations by trying to shoehorn himself into that section's exception for movants who are "under imminent danger of serious physical injury." That adds an added layer of frivolousness to his position.

would serve as an independent basis for reaching the same result.

A handwritten signature in cursive script that reads "Milton I. Shadur".

Milton I. Shadur
Senior United States District Judge

Date: November 16, 2009