

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12 C 5347	DATE	7/23/2012
CASE TITLE	Stennis Henderson (#2012-0228187) vs. Dunlap, et al.		

DOCKET ENTRY TEXT

For the reason stated below, the instant action is hereby ordered dismissed without prejudice. Plaintiff's motions for leave to proceed *in forma pauperis* [3] and motion for appointment of counsel [4] are denied as moot. Civil case terminated.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

This matter is before the court on Plaintiff Stennis Henderson's (Henderson) motion for leave to proceed *in forma pauperis* and motion for appointment of counsel. Henderson indicates in his *pro se* complaint that he is incarcerated and that he is bringing the instant action pursuant to 42 U.S.C. § 1983, relating to his alleged treatment while incarcerated. (Compl. 5). Pursuant to 28 U.S.C. § 1915(g), "[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." *Id.*

Henderson indicates that he is suing regarding an alleged incident that occurred in May 2012 and he does not indicate in his complaint that he is in imminent danger of serious physical injury. In addition, Henderson has left blank the section provided on his *pro se* complaint form to list all lawsuits he has previously filed and the results of such lawsuits. (Compl. 4). The *pro se* complaint form specifically warned Henderson that the failure to complete the section relating to prior lawsuits could result in the dismissal of

STATEMENT

the instant action. (Compl. 4). Henderson has failed to provide the court with the necessary information for the court to assess whether the instant action should be dismissed pursuant to 28 U.S.C. § 1915(g).

Therefore, the instant action is dismissed without prejudice. The motion for leave to proceed *in forma pauperis* and motion for appointment of counsel are denied as moot.