

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MILTON SMITH, Inmate #A-81091,)
)
 Plaintiff,)
)
 vs.)
)
 THOMAS E. ANDERSON, *et al.*,)
)
 Defendants.)

CIVIL NO. 08-cv-883-MJR

MEMORANDUM AND ORDER

REAGAN, District Judge:

Plaintiff has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983, along with a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. However, Plaintiff is well aware that he has had three or more prior prisoner actions dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted.¹ Further, the allegations in the instant complaint do not show that Plaintiff is under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g).

IT IS THEREFORE ORDERED that the motion for leave to proceed *in forma pauperis* is **DENIED**. Plaintiff shall pay the full filing fee of \$350 for this action within **FIFTEEN (15) DAYS** of the entry of this Order. If Plaintiff does not comply with this Order in the time allotted, this case will be closed for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

IT IS SO ORDERED.

DATED this 23rd day of December, 2008.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge

¹ *See, e.g., Smith v. Strubb*, Case No. 92-3751 (7th Cir., filed Nov. 16, 1992); *Smith v. Peters*, Case No. 95-cv-432-WDS (S.D. Ill., filed May 25, 1995); *Smith v. Edgar*, Case No. 97-cv-117-JPG (S.D. Ill., filed Feb. 12, 1997); *Smith v. Welborn*, Case No. 99-cv-494-GPM (S.D. Ill., filed July 13, 1999).