

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

MONTGOMERY C. AKERS,

Plaintiff,

vs.

**HENRY RIVAS,
KATHERIN GIEREVELA,
and APRYL CRUT,**

Defendants.

Case No. 16-cv-1339-MJR

MEMORANDUM AND ORDER

REAGAN, Chief District Judge:

Plaintiff is currently incarcerated in the United States Penitentiary in Marion, Illinois (“Marion”), located in this District. He submitted a *pro se* civil rights Complaint to the United States District Court for the District of Nevada, complaining of actions taken by individuals residing in Marion, Illinois, Terra Haute, Indiana, and Martinsburg, West Virginia. The United States District Court for the District of Nevada transferred Plaintiff’s case to this District pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 1406(a). The Clerk of Court filed the Complaint upon receiving it, though Plaintiff has been banned from filing any new cases in this District in accordance with the Seventh Circuit’s May 17, 2012 Order in *Akers v. Roal, et al.*, Case No. 11-3268 (citing *Newlin v. Helman*, 123 F.3d 429, 433 (7th Cir. 1997)). Prior to the imposition of this filing restriction, he had accumulated more than three “strikes” as defined in 28 U.S.C. § 1915(g), but continued to file additional cases.

On August 13, 2012, in *Akers v. Roal, et al.*, Case No. 11-cv-622-MJR (S.D. Ill.) (Doc. 38), this Court placed a filing restriction on Plaintiff until he pays the outstanding filing fees of

\$805.00 that he incurred in two prior actions. *See Akers*, Case No. 11-cv-622-MJR (\$350.00); *Akers*, Case No. 11-3268 (\$455.00). Plaintiff was instructed that the Clerk of Court would return unfiled any documents submitted in violation of the filing restriction. Since the entry of that order, Plaintiff has made no payments toward his outstanding fees of \$805.00. By the terms of that Order, he must pay his outstanding fees in full prior to filing documents with this Court.

IT IS THEREFORE ORDERED that the Complaint is **STRICKEN**, because Plaintiff submitted it in violation of this Court's Order of August 13, 2012.

The Clerk is **DIRECTED** to return the Complaint to Plaintiff and administratively close this case. Any pending motions are **TERMINATED AS MOOT**.

Plaintiff shall not be assessed a filing fee for this action.

IT IS SO ORDERED.

DATED: December 15, 2016

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