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

ENOS F. TAPLIN, JR.,	)	
R60561,	)	
Plaintiff,	)	
	)	
VS.	)	Case No. 17-cv-00398-NJR
	)	
WARDEN OF MENARD	)	
<b>CORRECTIONAL CENTER (2013-2015),</b>	)	
	)	
Defendant.	)	

## **MEMORANDUM AND ORDER**

## **ROSENSTENGEL**, District Judge:

This matter is before the Court for case management. The action was dismissed with prejudice in an Order signed by the undersigned judge on July 19, 2017. (Doc. 11). The dismissal counted as one of Plaintiff's allotted "strikes" under the provisions of 28 U.S.C. § 1915(g). A subsequent review of Plaintiff's litigation history in the Southern and Northern Districts of Illinois reveals that the dismissal of this action gave Plaintiff his fourth "strike" as defined in § 1915(g). Plaintiff incurred his third strike *after* the filing date of this action. Accordingly, it did not factor into Plaintiff's three strike status in this case.

<sup>&</sup>lt;sup>1</sup> See Taplin v. Cook County Court et al., 1:16-cv-07733 (N.D. Ill.) (first strike, dismissed August 4, 2016); Taplin v. Markham Court House et al., 1:16-cv-7849 (N.D. Ill.) (second strike, dismissed on October 4, 2016); and Taplin v. Warden Pinckneyville Correctional Center, et al., Case No. 16-cv-01146-SMY (third strike, dismissed April 4, 2017).

<sup>&</sup>lt;sup>2</sup> This action was opened on April 17, 2017, following the Memorandum and Order entered in *Taplin v. Warden Pinckneyville Correctional Center, et al.*, Case No. 16-cv-01146-SMY (Doc. 1 in this case), severing this case from the original case. As a severed action, this case is deemed to have been filed on the same date as the underlying original complaint (August 18, 2016) and not on the date of severance (April 17, 2017).

<sup>&</sup>lt;sup>3</sup> Only strikes incurred before August 18, 2016 are relevant to Plaintiff's "three strike" status in this action. *See Abdul-Wadood v. Nathan*, 91 F.3d 1023, 1025 (7th Cir. 1996) ("three strikes" provision applies only to cases filed and appeals taken after the third strike is received).

In light of Plaintiff's recently acquired third and fourth "strike," the Court deems it

appropriate to advise Plaintiff as follows: To date, four of Plaintiff's lawsuits have been

dismissed pursuant to § 1915A for failure to state a claim upon which relief may be granted

and/or for being legally frivolous. Accordingly, if Plaintiff seeks to file any future civil action

while he is a prisoner, he will no longer be eligible to pay a filing fee in installments using the in

forma pauperis provisions of § 1915(a) and (b), unless he can establish that he is "under

imminent danger of serious physical injury." 28 U.S.C. § 1915(g). If Plaintiff cannot make the

necessary showing of imminent physical danger, he shall be required to pre-pay the full filing fee

for any future lawsuit he may file while incarcerated or face dismissal of the suit.

IT IS SO ORDERED.

**DATED:** July 24, 2017

NANCY J. ROSENSTENGEL

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**United States District Judge** 

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