

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

JAMES G. WILSON,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO. 3:17-CV-846-PPS-MGG
)	
WARDEN,)	
)	
Defendant.)	

OPINION AND ORDER

James G. Wilson, a prisoner without an attorney, filed a complaint¹ on a prisoner complaint form. ECF 1 at 2. He did not pay the filing fee nor ask to proceed in forma pauperis. However, Wilson is barred from proceeding in forma pauperis by 28 U.S.C. § 1915(g). This is commonly known as the “Three Strikes Rule” and Wilson has at least four strikes:

- (1) *Wilson v. Curry*, 2:14-CV-320 (S.D. Ind. Nov. 14, 2014)
(dismissed pursuant to 28 U.S.C. § 1915A(b));
- (2) *Wilson v. United States*, 2:15-CV-187 (S.D. Ind. July 29, 2015)
(dismissed pursuant to 28 U.S.C. § 1915A(b));
- (3) *Wilson v. United States*, 2:15-CV-356 (S.D. Ind. Dec. 15, 2015)
(dismissed pursuant to 28 U.S.C. § 1915A(b));
- (4) *Wilson v. Rothenburg*, 2:16-CV-147 (S.D. Ind. Sept. 16, 2016)
(dismissed pursuant to 28 U.S.C. § 1915A(b)).

An inmate who has struck out “can use the partial prepayment option in § 1915(b) only if in the future he ‘is under imminent danger of serious physical injury.’” *Abdul-Wadood v. Nathan*, 91 F.3d 1023, 1025 (7th Cir. 1996). In order to meet the

¹ This case was mistakenly docketed as a habeas corpus petition, but Wilson used a prisoner complaint form and it should have been opened as a Prisoner Civil Rights lawsuit.

imminent danger standard, the threat complained of must be real and proximate. *Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir. 2003). Only “genuine emergencies” qualify as a basis for circumventing § 1915(g). *Lewis v. Sullivan*, 279 F.3d 526, 531 (7th Cir. 2002).

Here,² Wilson is suing the United States for \$21 million dollars because he was not transported to a civil hearing in 2011. This is not an allegation of imminent danger of serious physical injury. Thus, he may not proceed *in forma pauperis* and must pay the \$400 filing fee to continue with this case.

For these reasons, the Court:

- (1) DIRECTS the clerk to edit the docket to indicate this is a prisoner civil rights lawsuit;
- (2) GRANTS James G. Wilson until **February 15, 2018**, to pay the \$400 filing fee; and
- (3) CAUTIONS him if the fee is not paid by that date, this case will be dismissed without further notice.

SO ORDERED on January 29, 2018.

/s Philip P. Simon
JUDGE
UNITED STATES DISTRICT COURT

² Additionally, this is not the first time Wilson has filed this lawsuit. He filed the exact same complaint in the United States District Court for the Southern District of Indiana where it was used to open *Wilson v. United States*, 2:17-CV-511 (S.D. Ind. Filed November 8, 2017). The two complaints are exact copies of one another. Even the date and signatures are the same. The court also denied him leave to proceed *in forma pauperis* because he was 3 struck. That case was ultimately dismissed without prejudice because Wilson did not pay the filing fee.