

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

MICHAEL A. MAXIE,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO. 3:17-CV-936-PPS-MGG
)	
JULIE LAWSON, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

Michael A. Maxie, a prisoner without an attorney, filed a complaint and a motion asking to proceed in forma pauperis. However, Maxie is barred from proceeding in forma pauperis by 28 U.S.C. § 1915(g). This is commonly known as the “Three Strikes Rule” and Maxie has accumulated four strikes:

- (1) *Maxie v. Schneier*, 3:13-CV-848 (N.D. Ind. filed August 19, 2013). Case dismissed on September 4, 2013, pursuant to 28 U.S.C. § 1915A as malicious;
- (2) *Maxie v. Doe*, 3:13-CV-1278 (N.D. Ind. filed November 29, 2013). Case dismissed on February 26, 2014, pursuant to 28 U.S.C. § 1915A for failure to state a claim;
- (3) *Maxie v. Levenhagen*, 3:13-CV-1279 (N.D. Ind. filed November 29, 2013). Case dismissed on May 1, 2014, pursuant to 28 U.S.C. § 1915A for failure to state a claim;
- (4) *Maxie v. Wilson*, 3:13-CV-1021 (N.D. Ind. filed September 23, 2013). Case dismissed on May 2, 2014, pursuant to 28 U.S.C. § 1915A for failure to state a claim.

An inmate with three or more strikes “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 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).

In this case, Maxie is suing the defendants for monetary damages. He alleges he was not arraigned promptly after being arrested without a warrant. He also alleges he is placed on lock-down every other Wednesday while jail staff are in training which denies him access to church services, the law library, recreation, and telephone calls one day every other week. This complaint contains are no allegations 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.

ACCORDINGLY,

Michael A. Maxie is **GRANTED** until **January 11, 2018**, to pay the \$400 filing fee; and **CAUTIONED** if the fee is not paid by that date, this case will be dismissed without further notice.

SO ORDERED.

ENTERED: December 18, 2017

/s Philip P. Simon
Judge
United States District Court