

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GREGORY KONRATH,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:16-cv-02784-LJM-DKL
)	
ALLISON VANCE,)	
INDIANAPOLIS MONTHLY,)	
)	
Defendants.)	

**Entry Rescinding *In Forma Pauperis* Status
and Directing Immediate Payment of the Full Filing Fee**

I.

The plaintiff's complaint in this civil action was filed on October 3, 2016, in the Northern District of Indiana. The plaintiff's motion to proceed *in forma pauperis* was granted and a collection order was issued. No payments have been receipted on this Court's docket.

The Court is now aware that the plaintiff is and was not eligible to proceed *in forma pauperis*. The order granting the plaintiff *in forma pauperis* (docket 3) is **rescinded**. The reason for this ruling is that the plaintiff Gregory Konrath, an inmate at the Westville Correctional Facility, has filed more than 75 cases since August, 5, 2016, and has acquired three or more "strikes" through having litigation to which he was a party in a federal court dismissed for failure to state a claim upon which relief could be granted or as frivolous.¹ Therefore, he is not entitled

¹ In *Evans v. Illinois Department of Corrections*, 150 F.3d 810 (7th Cir. 1998), it was noted that a prisoner-litigant in these circumstances is entitled to know the cases the court relies on when making the three-strikes determination. For the plaintiff's reference, the cases on which the court relies in finding three or more "strikes" consist of the following:


to proceed *in forma pauperis*, unless the exception under 28 U.S.C. § 1915(g), that he “is under imminent danger of serious physical injury,” applies. Those circumstances are not presented by his claims in this case.

II.

Accordingly, the plaintiff shall have **through December 27, 2016**, in which to pay the full \$400.00 filing fee for this action. If he fails to do so, the action will be dismissed without further notice for failure to pay the filing fee.

IT IS SO ORDERED.

Date: 12/7/2016


LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana

Konrath v. Sands, 3:16-cv-520-RL-CAN (N.D. Ind. August 17, 2016) (dismissing action pursuant to 28 U.S.C. § 1915(e)(2)(B)(iii)).

Konrath v. Embry, 3:16-cv-519-PPS-CAN (N.D. Ind. August 22, 2016) (dismissing action pursuant to 28 U.S.C. § 1915A).

Konrath v. Indiana State of, 3:16-cv-536-JTM-MGG (N.D. Ind. September 19, 2016) (dismissing action as frivolous pursuant to 28 U.S.C. § 1915A).

Distribution:

GREGORY KONRATH
254068
WESTVILLE CORRECTIONAL FACILITY
Inmate Mail/Parcels
5501 South 1100 West
WESTVILLE, IN 46391

Electronically registered counsel