

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF INDIANA  
 INDIANAPOLIS DIVISION

ANGELITO C. MERCADO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:20-cv-02179-JPH-TAB
	)	
DRAKE MADDIX Officer,	)	
PRANTHER Deputy,	)	
BRANDON DECKER,	)	
ROBERT MITCHELL Officer,	)	
KYLE YOUNG Officer,	)	
SCHRADER Officer,	)	
	)	
Defendants.	)	

**ENTRY DISCUSSING FILING FEE**

Plaintiff, Angelito Mercado has not paid the \$400 filing fee prescribed by Congress. See 28 U.S.C. § 1914(a). He also appears to have "struck out" under 28 U.S.C. § 1915(g). That statute "prohibits a prisoner from proceeding [in forma pauperis] if, on three or more occasions during his imprisonment, he has 'brought an action... that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted." *Turley v. Gaetz*, 625 F.3d 1005, 1006 (7th Cir. 2010). The "sole statutory exception" is if "the prisoner is under imminent danger of serious physical injury." *Id.* Mr. Mercado has not alleged imminent danger, and he has had three prior cases dismissed for failure to state a claim.

- 1) *Mercado v. Bartholomew County Sheriff's Dept., et al.*, No. 1:17-cv-00323-JMS-MJD (S.D. Ind. Mar. 28, 2017) (dismissing action for failure to state a claim);
- 2) *Mercado v. Columbus Police Dept., et al.*, No. 1:17-cv-00981-SEB-DML (S.D. Ind. Mar. 31, 2017) (dismissing action for failure to state a claim);
- 3) *Mercado v. Columbus Police Dept., et al.*, No. 1:17-cv-00910-JMS-DML (S.D. Ind. Apr. 26, 2017) (dismissing action for failure to state a claim)

With respect to Mr. Mercado's letter requesting that the Court "remove the cost of the filing fee from his trust account," dkt. 2, the statutory language does not contemplate such a payment of the full fees. *See* 28 U.S.C. § 1915(b). Mr. Mercado shall have through **October 12, 2020** to pay the \$400 filing fee to the clerk of the district court. Failure to do so will result in dismissal of this action without further notice.

**SO ORDERED.**

Date: 9/14/2020



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

ANGELITO C. MERCADO  
BARTHOLOMEW COUNTY JAIL  
543 2nd Street  
Columbus, IN 47201