



granted, and to deny prisoners *in forma pauperis status* if they are ineligible for that status. *See* 28 U.S.C. §§ 1915(e); (g). As noted by the Court in the Entry of March 24, 2016, the Court has given him the benefit of the doubt as to whether he realized he had struck out and allowed him the opportunity to pay the entire filing fee before dismissing this action.

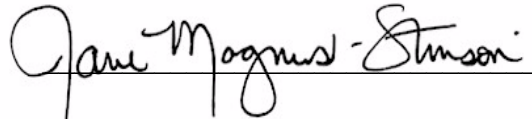
In the Entry of March 24, 2016, the Court provided the plaintiff a list of three district court cases and one appeal which were dismissed for failure to state a claim upon which relief can be granted. The plaintiff's challenge to *Williams v. Lynch, et al.*, 1:15-cv-01814-UNA (Dis. of Col. Oct. 26, 2015) as a strike is baseless. As evidenced by the Order from that case attached to the plaintiff's motion to reconsider, dkt. 17-1, p. 3, that case was dismissed pursuant to 28 U.S.C. § 1915A and a footnote *on that Order* advised the plaintiff that "a dismissal for failure to state a claim qualifies as a strike under 28 U.S.C. § 1915(g)...." The Court takes judicial notice of the Memorandum Opinion in that case which expressly dismissed the action for failure to state a claim. *Williams*, 1:15-cv-01814-UNA (Dis. of Col. Oct. 26, 2015) (docket 4).

Because the plaintiff's challenge to the District of Columbia case being counted as a strike is meritless, the Court need not expend further resources and time in discussing his challenge to the appellate decision. Three prior strikes still remain and that is sufficient to bar the plaintiff from proceeding *in forma pauperis*. Moreover, the plaintiff has failed in his attempt to demonstrate that his claims satisfy the "imminent danger of serious physical injury" exception. Accordingly, the plaintiff's motion to reconsider [dkt. 16] is **denied**.

The Court shall extend the plaintiff's deadline, but if he fails to pay the \$395.46 balance of the filing fee **by May 12, 2016**, this action will be dismissed for failure to pay the filing fee without further notice.

**IT IS SO ORDERED.**

Date: April 20, 2016

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style with a horizontal line drawn across the middle of the name.

Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

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