

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JEREMY PINSON,

Plaintiff,

v.

CASE NO. 13-3033-SAC

PAUL LAIRD, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed by a prisoner in federal custody. Plaintiff Pinson is subject to 28 U.S.C. § 1915(g), "the 'three strikes' provision of the ifp statute applicable to indigent prisoners[] [that] requires so-called 'frequent filer' prisoners to prepay the entire filing fee before federal courts may consider their civil actions and appeals." *Hafed v. Fed. Bureau of Prisons*, 635 F.3d 1172, 1176 (10th Cir. 2011) (internal quotation marks omitted). There is a single exception to this requirement, for a prisoner who shows an "immiment danger of serious physical injury." *Id.*, (quoting §1915(g)).

The court has determined that plaintiff has not shown an immediate danger and previously directed him to submit the full filing fee. Plaintiff then filed a notice of interlocutory appeal. The appeal has been dismissed, and plaintiff has not paid the filing fee as directed by the court.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice.

IT IS FURTHER ORDERED the combined motion for temporary

restraining order and preliminary injunction (Doc. 4) is denied as moot.

A copy of this order shall be transmitted to the plaintiff.

IT IS SO ORDERED.

DATED: This 30th day of July, 2013, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge