

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JOSEPH LEE JONES,

Plaintiff,

v.

CASE NO. 18-3056-SAC

**BUREAU OF PRISONS,
JEFF SESSIONS,**

Defendants.

ORDER

Plaintiff, Joseph Lee Jones, is a federal prisoner housed at Springfield-FMC, in Springfield, Missouri. Although Plaintiff filed this action on a form for filing habeas corpus petitions, the nature of Plaintiff's claim is a Bivens-type action alleging cruel and unusual punishment in violation of the Eighth Amendment and medical malpractice.

Plaintiff has filed a motion to proceed in forma pauperis (Doc. 2). Plaintiff is subject to the "three-strikes" provision under 28 U.S.C. § 1915(g). Court records fully establish that Plaintiff "has, on 3 or more prior occasions, while incarcerated . . . , brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted."¹ Accordingly, he may proceed in forma pauperis only if he establishes a threat of imminent danger of serious physical injury. *Id.* The

¹ Prior to filing the instant action on March 5, 2018, the Court finds at least four prior civil actions filed by Plaintiff which qualify as "strikes" under § 1915(g). See *Jones v. State of Kansas*, D. Kan. Case No. 12-3229-SAC (complaint dismissed August 21, 2013, as frivolous and as stating no claim for relief); *appeal dismissed* (10th Cir. August 14, 2014, additional "strike" assessed); *Jones v. Biltoft*, D. Kan. Case No. 14-3041-SAC (complaint dismissed May 28, 2014, as frivolous); *Jones v. U.S. Copyright Office*, D. Kan. Case No. 14-3078-SAC (complaint dismissed October 14, 2014, as stating no claim for relief); *Jones v. U.S. Copyright Office*, D. Kan. Case No. 14-3108-SAC (complaint dismissed August 27, 2014, as frivolous, duplicative, and abusive).

Court has examined the Complaint and attachments and finds no showing of imminent danger of serious physical injury.

Accordingly, pursuant to § 1915(g) Plaintiff may not proceed in forma pauperis in this civil action. Plaintiff is given time to pay the full \$400.00 district court filing fee² to the Court. If he fails to pay the full fee within the prescribed time, the Complaint will be dismissed based upon Plaintiff's failure to satisfy the statutory district court filing fee required by 28 U.S.C. § 1914.

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff's motion to proceed in forma pauperis (Doc. 2) is **denied**.

IT IS FURTHER ORDERED that Plaintiff is granted until **March 21, 2018**, to submit the \$400.00 filing fee. The failure to submit the fee by that date will result in the dismissal of this matter without prejudice and without additional prior notice.

IT IS SO ORDERED.

Dated on this 6th day of March, 2018, in Topeka, Kansas.

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

² If a person is not granted in forma pauperis status under § 1915, the fee to file a non-habeas civil action includes the \$350.00 fee required by 28 U.S.C. § 1914(a) and a \$50.00 general administrative fee pursuant to § 1914(b) and the District Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States.