

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

STEPHEN MURPHY (#34877)

CIVIL ACTION

VERSUS

UNITED STATES CO[A]ST GUARD, ET AL.

15-690-SDD-SCR

**RULING**

On October 27, 2015, pursuant to the “three strikes” provision of 28 U.S.C. § 1915(g), the Court determined that the Plaintiff was not entitled to proceed *in forma pauperis* in this case and ordered him to pay, within 21 days, the full amount of the Court’s filing fee.<sup>1</sup> The Plaintiff was placed on notice that a failure to comply with the Court’s Order “shall result in the dismissal of the Plaintiff’s action without further notice from the Court.”<sup>2</sup>

In accordance with 28 U.S.C. § 1915, a prisoner filing a civil action or appeal in federal court may be granted *in forma pauperis* status but is, nonetheless, required to pay the full amount of the Court’s filing fee over time in incremental installments. However, such incremental payments are not allowed and pauper status shall be denied where the prisoner has filed, on at least three prior occasions while incarcerated, actions or appeals that have been dismissed as legally baseless. Specifically:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, 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, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g).

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<sup>1</sup> Rec. Doc. 2.


<sup>2</sup> *Id.*

In the instant case, the Plaintiff has, on three or more prior occasions while incarcerated, brought actions or appeals in the federal courts that have been dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted.<sup>3</sup> Accordingly, pursuant to *Adepegba v. Hammons*, 103 F.3d 383 (5<sup>th</sup> Cir. 1996), and 28 U.S.C. § 1915(g), this Court directed the Plaintiff to pay the full amount of the Court's filing fee within 21 days. A review of the record by the Court reflects that the Plaintiff has failed to pay the filing fee as ordered. Accordingly,

**IT IS HEREBY ORDERED** that the above-captioned proceeding is to be dismissed without prejudice for failure of the Plaintiff to pay the Court's filing fee.

*Judgment* shall be entered accordingly.

Baton Rouge, Louisiana the 7 day of December, 2015.

  
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**SHELLY D. DICK, DISTRICT JUDGE**  
**MIDDLE DISTRICT OF LOUISIANA**

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3. Cases or appeals filed by the Plaintiff that have been dismissed by the federal courts as frivolous, malicious, or for failure to state a claim include, but are not limited to, *Stephen Murphy v. George W. Bush*, Civil Action No. 02-358 (W.D. La.); *Stephen Murphy v. Donald Walter, et al.*, Civil Action No. 02-548 (W.D. La.); and *Stephen Murphy v. Northwest Airlines, et al.*, Civil Action No. 02-549 (W.D. La.).