

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

GEORGE WYATT

CIVIL ACTION NO. 18-cv-0490

VERSUS

CHIEF JUDGE HICKS

STATE OF TEXAS

MAGISTRATE JUDGE HORNSBY

ORDER

George Wyatt is an inmate housed in a Texas prison. He filed this civil action against the State of Texas. The complaint is largely indecipherable but makes reference to liens, a proceeding before a New York federal court, the XYZ Commission, and the Tennessee Valley Authority. Plaintiff has filed at least two other civil actions in this court in recent days. Plaintiff has not paid the \$400 filing fee or filed a motion to proceed in forma pauperis.


Plaintiff is not eligible for pauper status. Under the three-strikes rule of 28 U.S.C. § 1915(g), a prisoner may not bring a civil action as a pauper if he has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Plaintiff has filed in the past more than three civil actions that have been dismissed as frivolous, malicious, or for failure to state a claim. Several such dismissals were collected in an order of dismissal issued by Judge Hanks in George Wyatt v. State of Texas,

3:18-cv-41, Doc. 18 (S.D. Tex. 3/21/18). The facts alleged in Plaintiff's complaint do not suggest that he is in imminent danger of serious physical injury related to the claims he asserts, so Plaintiff's three-strike history makes him ineligible to proceed as a pauper.

The court issued an order that set forth these facts and advised Plaintiff that he was obligated to pay the \$400 filing fee if he wished to pursue this civil action. He was allowed until April 27, 2018 to pay the \$400 filing fee and warned that if he failed to do so "his complaint will be subject to being stricken or dismissed without further notice." The deadline has passed. Plaintiff did not pay the filing fee or take other action of record. Accordingly, the complaint is stricken for non-payment of the filing fee. The Clerk of Court is directed to close this case.¹

THUS DONE AND SIGNED in Shreveport, Louisiana, this 30th day of April, 2018.



Mark L. Hornsby
U.S. Magistrate Judge

¹ Judge Fitzwater issued an order in Wyatt v. Valero Service Stations, 15-CV-3281, Doc. 75 (N.D. Tex. 8/11/16) that found Plaintiff had "continued to abuse the judicial process" despite a warning that he stop filing frivolous pleadings. Plaintiff was prohibited from filing in the Northern District of Texas without advance permission from a judge. Plaintiff is **warned** to avoid filing frivolous complaints or pleadings with this court, or he will be subjected to a similar sanction and have his filings require advance judicial permission even if he pays the filing fee.