

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

GARY DEE BICE,

Plaintiff,

v.

JOHN JORDAN,

Defendant.

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No. 1:17-cv-76-JAR

**MEMORANDUM AND ORDER**

This matter is before the Court *sua sponte*. Plaintiff, a prisoner, commenced this 28 U.S.C. § 1983 action on May 8, 2017. On that same date, he sought leave to proceed *in forma pauperis*. In a Memorandum and Order dated May 19, 2017, the Court denied plaintiff's motion pursuant to 28 U.S.C. § 1915(g). In so doing, the Court noted plaintiff's previously-filed cases that were considered "strikes" under § 1915(g),<sup>1</sup> and noted that the allegations in the complaint did not indicate that plaintiff was in imminent danger of serious physical injury. The Court concluded that it was therefore precluded from granting plaintiff leave to proceed *in forma pauperis*, and directed him to pay the filing fee within twenty-one days.

Plaintiff filed a motion for reconsideration, which the Court denied. In the order denying the motion, the Court *sua sponte* gave plaintiff an extension of time to pay the filing fee. Plaintiff's response was due on June 23, 2017, but to date, he has neither paid the filing fee nor sought additional time to do so. This case will therefore be dismissed, without prejudice to being refiled as a fully-paid complaint.

Accordingly,


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<sup>1</sup> See *Bice v. Ester*, No. 1:10-cv-93-SNLJ (E.D. Mo. Sept. 13, 2010); *Bice v. Commission or Directors of Cape Girardeau City Police Dept.*, No. 1:11-cv-27-SNLJ (E.D. Mo. Feb. 25, 2011); and *Bice v. Eastest*, 1:13-cv-181 SNLJ (E.D. Mo. Mar. 26, 2014).

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice to being re-filed upon payment of the \$400.00 filing fee.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

Dated this 29<sup>th</sup> day of June, 2017.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE