

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBERT HARDEN,

Plaintiff,

vs.

THE STATE OF NEBRASKA, THE  
NEBRASKA ATTORNEY  
GENERAL'S OFFICE, MATT KUHSE,  
Douglas County Prosecutor, in his  
Official Capacity; AIMEE MELTON,  
Douglas County Prosecutor, in her  
Official Capacity; LEANNE MARIE  
SRB, Douglas County Public Defender;  
THE GOVERNORS OFFICE, THE  
ATTORNEY GENERAL, in His and  
Her Official Capacity; LAURIE SMITH  
CAMP, Judge; GERALD MORAN,  
Judge; THE NEBRASKA FEDERAL  
BUREAU OF INVESTIGATIONS  
DIVISION, ROBERT CLAYTON  
HICKS, Agent; MICHAEL SACKETT,  
Agent; and THE OMAHA POLICE  
DEPARTMENT,

Defendants.

**4:17CV3095**

**MEMORANDUM  
AND ORDER**

On August 16, 2017, the court ordered Plaintiff to show cause why he is entitled to proceed in forma pauperis (“IFP”) pursuant to the provisions of [28 U.S.C. §1915\(g\)](#). ([Filing No. 8](#).) The court listed three cases brought by Plaintiff that were dismissed because they failed to state a claim upon which relief may be granted. (*Id.* at CM/ECF p. 2.) For Plaintiff to proceed IFP, he needs to show the court that any or all of the three dismissed cases do not meet the criteria set forth in

§1915(g) or, alternatively, that he faces imminent danger of serious physical injury.

Plaintiff filed a response to the court's Memorandum and Order. ([Filing No. 9.](#)) In his response, Plaintiff does not deny that, while incarcerated, he filed three cases that were dismissed because they failed to state a claim upon which relief may be granted. He also does not allege that he faces any danger of physical injury. Instead, Plaintiff argues that he does not have "three strikes," because, in his prior cases, he was granted IFP status or the court did not order him to pay the filing fee, none of which is a relevant consideration here.

In short, Plaintiff has not shown that he is entitled to proceed IFP, nor has he paid the full \$400 filing fee. For these reasons, this matter must be dismissed.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice.
2. A separate judgment will be entered.

Dated this 12th day of September, 2017.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge