

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                |   |                   |
|----------------|---|-------------------|
| MICHAEL SCOTT, | ) | 8:13CV288         |
|                | ) |                   |
| Plaintiff,     | ) |                   |
|                | ) |                   |
| v.             | ) | <b>MEMORANDUM</b> |
|                | ) | <b>AND ORDER</b>  |
| UNKNOWN,       | ) |                   |
|                | ) |                   |
| Defendant.     | ) |                   |

This matter is before the court on Plaintiff's Motion for Leave to Proceed In Forma Pauperis ("IFP"). (Filing No. [2](#).) As set forth in the Prison Litigation Reform Act, a prisoner cannot:

[B]ring a civil action . . . or proceeding [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . 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.

[28 U.S.C. §1915\(g\)](#).

Plaintiff is a three-strikes litigant who filed at least three prior actions that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. *See Scott v. Stephens, et al.*, No. 2:06cv108 (S.D. Tex. Mar. 17, 2006) (order granting plaintiff's motion to proceed in forma pauperis, subject to sanctions); *see also Scott v. Bush, et al.*, No. 6:97cv005 (E.D. Tex. May 12, 1997); *Scott v. Layton, et al.*, No. 6:97cv332 (E.D. Tex. Mar. 5 1998); *Scott v. Hunter, et al.*, No. 1:99cv003 (N.D. Tex. Jan. 11, 2000); *Scott v. Groomer, et al.*, No. 2:02cv126 (N.D. Tex. 2002); *Scott v. Groomer*, No. 03-10433 (5th Cir. Oct. 22, 2003).

Accordingly, Plaintiff has until October 31, 2013, to show cause why this matter should not be dismissed pursuant to [28 U.S.C. §1915\(g\)](#). Alternatively, Plaintiff may pay the full \$350.00 filing fee no later than October 31, 2013. In the absence of good cause shown or the payment of the full filing fee, Plaintiff's Complaint and this matter will be dismissed without further notice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed In Forma Pauperis (filing no. [2](#)) is denied. Plaintiff has until October 31, 2013, to either show cause why this case should not be dismissed pursuant to [28 U.S.C. §1915\(g\)](#) or pay the full \$350.00 filing fee. In the absence of either action by Plaintiff, this matter will be dismissed without further notice.

2. The Clerk of the court is directed to set a pro se case management deadline in this matter with the following text: October 31, 2013: Deadline for Plaintiff to show cause or pay full filing fee.

DATED this 8th day of October, 2013.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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