Mumin v. Kelly et al Doc. 6

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

DUKHAN MUMIN,)
Plaintiff,	8:17CV99
V.)
••) MEMORANDUM
JOE KELLY, LANCASTER) AND ORDER
COUNTY, NE, LINCOLN POLICE)
DIVISION, LANCASTER COUNTY	
SHERIFF, JEFFRE CHEUVRONT,	
and AMIE LARSON,	
)
Defendants.	
)

This matter is before the court on Plaintiff's Motion for Leave to Proceed In Forma Pauperis ("IFP"). (Filing 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, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. §1915(g).

The following three cases brought by Plaintiff, while a prisoner, were dismissed as frivolous or for failure to state a claim:

• Mumin v. Bartee, Case No. 8:95CV291 (D. Neb.) (dismissed as frivolous);

• Mumin and Watkins v. Dunning, Case No. 8:98CV359 (D. Neb.) (dismissed

for failure to state a claim); and

• Mumin v. Mayo, Case No. 8:12CV313 (D. Neb.) (defendants' motions to

dismiss for failure to state a claim granted).

In light of the foregoing, the court will give Plaintiff 30 days in which to show

cause for why this case should not be dismissed pursuant to the provisions of 28 U.S.C.

§ 1915(g). In the alternative, Plaintiff may pay the full \$400.00 filing and

administrative fees. In the absence of good cause shown, or the payment of the

necessary fees, this action will be dismissed.

IT IS THEREFORE ORDERED that:

1. Plaintiff has 30 days to either show cause for why this case should not be

dismissed pursuant to 28 U.S.C. § 1915(g) or pay the court's \$400.00 filing and

administrative fees.

2. The clerk's office is directed to set a pro se case management deadline in

this matter with the following text: April 27, 2017: deadline for Plaintiff to show cause

or pay fees.

DATED this 29th day of March, 2017.

BY THE COURT:

s/ Richard G. Kopf

Senior United States District Judge

2