

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DUKHAN MUMIN,

Plaintiff,

vs.

TIM MCLAUGHLIN, VALORIE
BENEDIXON, Hall County Nebraska;
TODD BAHENSKY, RUSS,
Caseworker; ZITTERKOPF, County
Attorney; and NEBRASKA JAIL
STANDARDS BOARD,

Defendants.

8:17CV100

**MEMORANDUM
AND ORDER**

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, unless the prisoner is under imminent danger of serious physical injury.

[28 U.S.C. §1915\(g\)](#).

The following three cases brought by Plaintiff 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 26, 2017**: deadline for Plaintiff to show cause or pay fees.

Dated this 27th day of March, 2017.

BY THE COURT:

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