

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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|-------------------------|---|------------|
| LARRY D. GLADFELTER, |) | 8:18CV48 |
| |) | |
| Plaintiff, |) | |
| |) | MEMORANDUM |
| v. |) | AND ORDER |
| |) | |
| TYSON FOOD INC, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

This matter is before the court on Plaintiff’s Motion for Leave to Proceed In Forma Pauperis (“IFP”). (Filing No. [5](#)) As stated in the Prison Litigation Reform Act (“PLRA”), a prisoner cannot “bring a civil action . . . or proceeding [IFP] 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).

Plaintiff currently is a prisoner at the Douglas County Correctional Center. The court takes judicial notice that the United States District Court for the Middle District of Florida has previously determined that at least 3 lawsuits filed by Plaintiff while incarcerated were dismissed as frivolous. *See Larry D. Gladfelter v. Warden Carl Holder, et al.*, Case No. 5:06-cv-46-Oc-10GRJ, order entered on February 13, 2006.

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 without further notice.

IT IS THEREFORE ORDERED:

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 4, 2018**: deadline for Plaintiff to show cause or pay fees.

DATED this 5th day of March, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge