

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

ANTOINE WINN,	)	CASE NO. 1:17 CV 1282
	)	
Plaintiff,	)	JUDGE JAMES S. GWIN
	)	
v.	)	
	)	ORDER OF DISMISSAL
MATTHEW NYZE, et al.,	)	
	)	
Defendants.	)	

Plaintiff *pro se* Antoine Winn, an inmate at the Madison Correctional Institution, seeks to bring this *in forma pauperis* action against 18 defendants in connection with his arrest and prosecution in the Cuyahoga County Court of Common Pleas in 2015.

A prisoner is prohibited from bringing a civil action or appealing a judgment in a civil action *in forma pauperis* if, on three or more prior occasions, the prisoner brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).

Winn has, on at least three prior occasions, filed an inmate civil action in federal court that was dismissed as frivolous or for failure to state a claim. *See, Winn v. Cuyahoga County Sheriff*, N.D. Ohio Case No. 1:11 CV 171; *Winn v. Cuyahoga County Sheriff*, N.D. Ohio Case No. 1:14 CV 249; *Winn v. Jane Doe*, N.D. Ohio Case No. 1:15 CV 1562. Further, there are no allegations in the instant complaint suggesting plaintiff is in imminent danger of serious physical injury. Thus, he may not proceed *in forma pauperis*, and this case is subject to summary dismissal. *Rittner v. Kinder*, No. 06-4472, 2008 WL 3889860 (6th Cir. Aug. 20, 2008).

Accordingly, this action is dismissed without prejudice. If plaintiff wishes to continue

this case, he must, within thirty days of the entry of this order: 1) pay the \$400 filing fee; and 2) file a motion to reopen this case. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: October 3, 2017

*s/ James S. Gwin*  
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JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE