IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

HOWARD BODDIE, JR.,

Plaintiff,

vs.

Case No.: 2:15-cv-06
JUDGE SMITH
Magistrate Judge Kemp

SCOTT J. VAN STEYN,

Defendants.

ORDER

On March 1, 2016, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the Court deny Mr. Boddie's motion for leave to appeal *in forma pauperis* because as a prisoner subject to the "three strikes" rule, Mr. Boddie is not entitled to proceed on appeal without paying the filing fee. (*See Report and Recommendation* at 2, Doc. 16). The parties were advised of their right to object to the *Report and Recommendation.* This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (*See* Doc. 17). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff's Objections continue to challenge the Magistrate Judge's conclusion and this Court's adoption that the "three strikes" rule applies to this case. However, that issue has been considered in detail and ruled upon. Mr. Boddie again argues that he is not subject to the "three strikes" rule and he has sufficiently pled the imminent danger exception. However, as set forth in detail in prior decisions of this Court, Mr. Boddie is incorrect and is subject to the "three

strikes" rule. Therefore, he is not entitled to proceed on appeal without paying the filing fee.

Accordingly, for the reasons stated in the *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit and are hereby **OVERRULED**.

The Clerk shall remove Documents 15 and 16 from the Court's pending motions list and this case shall remain closed.

IT IS SO ORDERED.

/s/ *George C. Smith*
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT