IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA

JEMAINE MONTEIL CANNON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**No. CIV 09-499-RAW-SPS**
	)	
STATE OF OKLAHOMA, et al.,	)	
	)	
Defendants.	)	

OPINION AND ORDER

On January 21, 2010, the court entered an order denying plaintiff's motion for leave to proceed *in forma pauperis*, because he has accumulated more than three "strikes" under 28 U.S.C. § 1915(g). Plaintiff subsequently filed a motion to reconsider the order, alleging the decision was based on the court's oversights and factual inaccuracies. He asserts the court does not seem to appreciate that he has limited vision and hearing, he has great difficultly breathing, and his diseases cause him to lose blood. He also clarifies his allegations that prison officials are ignoring and misapplying the DOC policy that requires him to be housed in a single cell because of his serious health problems.

Plaintiff argues the court should have placed more weight on his claims that some of his medications were not refilled and that he had a surgical procedure in September 2009. He contends the court erroneously relied on documents from the warden stating there was no documented medical reason for housing plaintiff in a single cell. He alleges the warden is lying and ignoring DOC policy. As for any delay in filing his complaint, he contends he was attempting to exhaust his administrative remedies.

In its previous order the court reviewed all of plaintiff's allegations regarding his alleged serious medical conditions. The court now has considered plaintiff's additional claims in his motion to reconsider and finds he still has not met the requirements for the exception to 28 U.S.C. § 1915(g).

ACCORDINGLY, plaintiff's motion to reconsider [Docket #6] is DENIED. Plaintiff is granted an additional twenty (20) days to forward the $350.00 filing fee to the Court Clerk. The agency having custody of plaintiff is ordered to release funds from plaintiff's accounts, including his trust account, for payment of the filing fee. Failure to comply with this order will result in dismissal of this action.

IT IS SO ORDERED this 8th day of April 2010.

RONALD A. WHITE
UNITED STATES DISTRICT JUDGE