

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

LAVERN BERRYHILL,)	
)	
Plaintiff,)	
)	
v.)	No. CIV 10-091-FHS-SPS
)	
BRAD HENRY, et al.,)	
)	
Defendants.)	


OPINION AND ORDER

Plaintiff, an inmate in the custody of the Oklahoma Department of Corrections who is incarcerated at Oklahoma State Penitentiary in McAlester, Oklahoma, filed this civil rights action pursuant to 42 U.S.C. § 1983, seeking compensatory and punitive damages, a declaratory judgment, and criminal prosecution of the 96 defendants [Docket #1]. On April 12, 2010, the court found plaintiff had accumulated at least three prior civil rights actions that count as “strikes” under 28 U.S.C. § 1915(g), denied his motion for leave to proceed *in forma pauperis*, and directed him to pay the entire filing fee within 20 days [Docket #11]. On May 5, 2010, the court denied plaintiff’s motions to reconsider the denial of *in forma pauperis* status and his motion to show cause why he could not be denied *in forma pauperis* status [Docket #21]. He again was ordered to forward the entire filing fee, this time by May 20, 2010 [Docket #21 at 3].

Plaintiff since has filed other motions, again claiming 28 U.S.C. § 1915 does not apply to him because he is not a prisoner, and he is being held in involuntary servitude. All his arguments clearly are repetitive and frivolous, and he still has failed to pay the filing fee as directed by this court.

ACCORDINGLY, plaintiff's pending motions are **DENIED**, and this action is, in all respects, **DISMISSED WITHOUT PREJUDICE** for failure to pay the filing fee as directed.

DATED this 13th day of July, 2010.



Frank H. Seay
United States District Judge