

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

DALE HARPER,)	
)	
Plaintiff,)	
vs.)	NO. CIV-14-0563-HE
)	
OKLAHOMA DEPARTMENT OF)	
CORRECTIONS DIRECTOR, ROBERT)	
PATTON, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Dale Harper, a state prisoner appearing *pro se*, filed this action pursuant to 42 U.S.C. § 1983, alleging various violations of his constitutional rights. He also sought leave to proceed *in forma pauperis*. The matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B), (C). She has recommended that plaintiff’s application to proceed *in forma pauperis* be denied because plaintiff has had three or more prior lawsuits dismissed as frivolous or malicious and more than “three strikes” imposed. *See* 8 U.S.C. § 1915(g). The magistrate judge concluded plaintiff should be required to pay the full \$400 filing fee before he is allowed to proceed further in this case because he has not alleged he faced “imminent danger of serious physical injury” when he filed his amended complaint, as required by the Prison Litigation Reform Act’s three strikes provision. *Id.*


Plaintiff has responded to the Report and Recommendation, objecting only to the magistrate judge’s suggestion that he be required to pay the filing fee within twenty days.

Plaintiff requests that he be granted 45 days within which to pay the fee.

Accordingly, the court **ADOPTS** Magistrate Judge Mitchell's Report and Recommendation and **DENIES** plaintiff's motion for leave to proceed *in forma pauperis* [Doc. #2]. Plaintiff is **GRANTED** until **Monday, October 13, 2014**, to pay the full \$400 filing fee. Failure to make the required payment will result in dismissal of the action without prejudice.

IT IS SO ORDERED.

Dated this 27th day of August, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE