

United States District Court
WESTERN DISTRICT OF TENNESSEE

JUDGMENT IN A CIVIL CASE

JAMES J. WYNN,

Plaintiff,

CASE NUMBER: 16-1196-JDT-cgc

CITY OF LEXINGTON and
THE STATE OF TENNESSEE,

Defendants,

Decision by Court. This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that in compliance with the order entered in the above-styled matter on 3/21/2017, the Court DISMISSES Wynn's complaint for failure to state a claim on which relief can be granted, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1). Leave to amend is DENIED. Wynn's motion for appointment of counsel (ECF No. 3) is DENIED as moot. It is also CERTIFIED, pursuant to 28 U.S.C. §1915(a)(3), that any appeal in this matter by Plaintiff would not be taken in good faith. The Plaintiff is instructed that if he wishes to take advantage of the installment procedures for paying the appellate filing fee, he must comply with the procedures set out in *McGore* and § 1915(a)(2) by filing an updated *in forma pauperis* affidavit and a current, certified copy of his inmate trust account for the six months immediately preceding the filing of the notice of appeal. For analysis under 28 U.S.C. § 1915(g) of future filings, if any, by Plaintiff, this is the third dismissal of one of his cases as frivolous or for failure to state a claim. This "strike" shall take effect when judgment is entered. *Coleman v. Tollefson*, 135 S. Ct. 1759, 1763-64 (2015). Plaintiff is warned that he will be barred from filing any further actions *in forma pauperis* while he is a prisoner within the meaning of 28 U.S.C. § 1915(h) unless he is in imminent danger of serious physical injury.

APPROVED:

s/James D. Todd
JAMES D. TODD
U.S. DISTRICT JUDGE

THOMAS M. GOULD
CLERK

**BY: s/Blair Moore
DEPUTY CLERK**