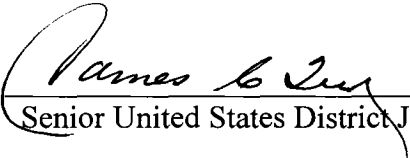




finds that plaintiff has failed to demonstrate any imminent danger of serious physical harm in the complaint and plaintiff has not paid the \$350.00 filing fee despite being previously advised of having three strikes. Accordingly, the court denies plaintiff's motion to proceed in forma pauperis and dismisses the complaint without prejudice for failure to pay the filing fee at the time of filing the complaint. See, e.g., Dupree v. Palmer, 284 F.3d 1234, 1237 (11th Cir. 2002) (reasoning that the filing fee is due upon filing a civil action when in forma pauperis provisions do not apply to plaintiff and that the court is not required to permit plaintiff an opportunity to pay the filing fee after denying leave to proceed in forma pauperis). Moreover, the court certifies that an appeal of this order would not be taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3).

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to the plaintiff.

ENTER: This 12<sup>th</sup> day of July, 2010.

  
Senior United States District Judge

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an imminent danger nor a serious physical injury. See Ashcroft v. Iqbal, \_\_\_ U.S. \_\_\_, 129 S. Ct. 1937, 1950 (May 18, 2009) (stating that whether a plausible claim for relief is apparent is "a context-specific task that requires the reviewing court to draw on its judicial experience and common sense."); Martin v. Shelton, 319 F.3d 1048, 1050 (8th Cir. 2003) (stating the exception focuses on the risk that the conduct complained of threatens continuing or future injury and not whether the inmate deserves a remedy for past misconduct). See also Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007) (stating a plaintiff's basis for relief requires more than labels and conclusions).