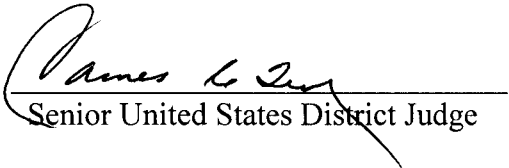




within the meaning of 28 U.S.C. § 1915(g).<sup>1</sup> Based on the foregoing and the complaint, the court finds that plaintiff has failed to demonstrate any imminent danger of serious physical harm in the complaint and plaintiff has not paid the \$350.00 filing fee despite being previously advised of having three strikes. Accordingly, the court denies plaintiff's implied 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 16<sup>th</sup> day of May, 2011.

  
Senior United States District Judge

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<sup>1</sup>Although plaintiff names the undersigned as the defendant, recusal is not necessary because the court's impartiality cannot reasonably be questioned; the complaint on its face fails to qualify for the exception to the three-strikes rule. See 28 U.S.C. § 455(a); Givens v. O'Quinn, No. 2:02cv00214, 2005 U.S. Dist. LEXIS 31597, at \*5-6 (W.D. Va. Dec. 7, 2005) (determining recusal under § 455 since plaintiff did not file an affidavit or certificate required by § 144). See also United States v. Glick, 946 F.2d 335, 336-37 (4th Cir. 1991) (stating that it is improper for a judge to recuse absent a reasonable basis for questioning the judge's impartiality).