

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DANIEL JOSEPH PARRISH,

Plaintiff,

vs.

CIVIL ACTION
No. 11-3001-SAC

LARNED STATE HOSPITAL,

Defendant.

MEMORANDUM AND ORDER

By its order of January 4, 2011 (Doc. 3), the court determined this matter is subject to the provisions of 28 U.S.C. §1915(g), the "three strikes" provision of the Prison Litigation Reform Act. Plaintiff was granted thirty days to submit the full filing fee, and he was notified that the failure to pay the fee within that time would result in the dismissal of this matter without prejudice.

Since that time, plaintiff has submitted a supplement to the complaint and an affidavit (Docs. 5 & 6), but he has not submitted the filing fee, nor has he shown that he is in imminent danger of serious bodily harm, as he must to avoid the bar imposed by 28 U.S.C. §1915(g).¹

¹

28 U.S.C. § 1915(g) codifies the "three strikes" rule that bars an inmate who has had three prior actions or appeals dismissed as frivolous, malicious, or for failing to state a

Accordingly, the court concludes this matter must be dismissed without prejudice.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice due to plaintiff's failure to submit the full filing fee as directed.

A copy of this Memorandum and Order shall be transmitted to the plaintiff.

IT IS SO ORDERED.

DATED: This 16th day of February, 2011, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge

viable claim from proceeding in a civil action *in forma pauperis* "unless the prisoner is in imminent danger of serious physical injury."