

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ROLLY O. KINNELL,

Plaintiff,

v.

CASE NO. 11-3207-RDR

SAM A. CROW, et al.,

Defendants.

O R D E R

This civil rights complaint, 42 U.S.C. § 1983, was filed by an inmate of the Lansing Correctional Facility, Lansing, Kansas. Plaintiff has neither paid the filing fee of \$350.00 nor submitted a properly supported Motion to Proceed Without Prepayment of Fees. Having examined the complaint, the court finds as follows.

Mr. Kinnell has previously been designated a three-strikes litigant under Section 1915(g). Section 1915(g) of 28 U.S.C. provides:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court that is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Id. He is therefore required to "pay up front for the privilege of filing . . . any additional civil actions," unless he can show "imminent danger of serious physical injury." Id.; Jennings v. Natrona County Detention Center, 175 F.3d 775, 778 (10<sup>th</sup> Cir. 1999).

None of the facts alleged by plaintiff in his complaint suggests that he is in imminent danger of serious physical injury. Accordingly, Mr. Kinnell may proceed in this action only if he pays the filing fee of \$350.00 for filing a civil complaint.

**IT IS THEREFORE BY THE COURT ORDERED** that plaintiff is granted twenty (20) days in which to submit the \$350.00 filing fee; and failure to pay the full filing fee within that time will result in the dismissal of this action without prejudice.

**IT IS SO ORDERED.**

**DATED: This 9th day of December, 2011, at Topeka, Kansas.**

**s/RICHARD D. ROGERS**  
**United States District Judge**