

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MIKEAL GLENN STINE,

Plaintiff,

v.

CASE NO. 18-3145-SAC

SARA REVELL, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights complaint filed by a prisoner held in the custody of the federal Bureau of Prisons ("BOP") at the United States Penitentiary, Administrative Maximum ("ADX"), in Florence, Colorado.

Plaintiff is subject to 28 U.S.C. § 1915(g), which requires him to show he is in imminent danger of serious physical injury in order to proceed in forma pauperis. *See Stine v. Berkebile*, 557 Fed.Appx. 711, 712 (10th Cir. 2014).

Plaintiff sues the Regional Director of the BOP, the Director of the BOP, and the Administrator of National Inmate Appeals. He claims the defendants have prevented him from receiving proper medications for his health conditions, which include asthma and allergies and acid-reflux. He seeks damages and other, unspecified relief.

The Court has examined the pleadings and attachments and finds plaintiff has failed to make a sufficient showing to avoid the bar of Section 1915(g).

To satisfy the imminent danger exception in Section 1915(g), a prisoner must "make 'specific, credible allegations of serious

physical harm.'" *Hafed v. Fed. Bureau of Prisons*, 635 F.3d 1172, 1179 (10th Cir. 2011) (quoting *Kinnell v. Graves*, 265 F.3d 1125, 1127-28 (10th Cir. 2001)). In addition, the plaintiff subject to the Section 1915(g) bar must allege harm that is "imminent or occurring at the time the complaint is filed." *Stine v. U.S. Fed. Bureau of Prisons*, 465 Fed.Appx. 790, 793 (10th Cir. 2012) (internal quotation marks omitted). Here, plaintiff's allegations concerning his difficulty in acquiring medication do not suggest that he is in immediate danger, nor do the materials he attaches to the complaint explain how the defendants named in this action caused the deprivation he claims.

IT IS, THEREFORE, BY THE COURT ORDERED the plaintiff's motion for leave to proceed in forma pauperis (Doc. #2) is denied. Plaintiff is granted to and including July 19, 2018, to submit the \$400.00 filing fee. The failure to submit the fee as directed may result in the dismissal of this matter without additional prior notice.

IT IS SO ORDERED.

DATED: This 19th day of June, 2018, at Topeka, Kansas.

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