

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JOSEPH LEE JONES,

Plaintiff,

v.

**ANDREW SAUL, Commissioner of Social
Security**

Defendant.

Case No. 05:20-CV-4008-JAR

ORDER

Plaintiff, who is currently detained at the Douglas County Jail, brings this civil action against Defendant Andrew Saul, Commissioner of Social Security. Plaintiff filed a Motion to Proceed In Forma Pauperis (Doc. 2). However, Plaintiff is subject to the three-strikes provision under 28 U.S.C. § 1915(g). This statutory provision 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 an appeal in a court of the United States that was dismissed on the grounds that it 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.

Here, court records demonstrate that Plaintiff has brought more than three frivolous, malicious, or non-meritorious actions or appeals.¹ Thus, Plaintiff can only bring suit, in forma

¹Prior to filing this action on January 27, 2020, the Court finds at least four prior civil actions filed by Plaintiff which qualify as “strikes” under § 1915(g). See *Jones v. Kansas*, Case No. 12-3229-SAC (D. Kan. Aug. 21, 2013) (dismissing complaint as frivolous and as stating no claim for relief), *appeal dismissed*, Case No. 14-3074) (10th Cir. Aug. 14, 2014) (noting appeal was frivolous and assessing an additional “strike”); *Jones v. U.S. Copyright Office*, Case No. 14-3078-SAC (D. Kan. Oct. 14, 2014) (dismissing complaint as stating no claim for relief); *Jones v. U.S. Copyright Office*, Case No. 14-3108-SAC (D. Kan. Aug. 27, 2014) (dismissing complaint as frivolous, duplicative, and abusive). The Court also notes that Plaintiff has, on numerous occasions, attempted to file additional civil actions, including another one in this district, as recent as January 15, 2020. See *Jones v. Loomis*, Case No. 20-3020-SAC (D. Kan. Jan. 21, 2020) (denying Plaintiff’s request for in forma pauperis status and noting his previous three strikes under § 1915(g)).

pauperis, if he shows that he is in imminent danger of serious physical injury. After reviewing Plaintiff's Complaint, the Court cannot find that Plaintiff is any imminent danger of serious physical injury. Accordingly, pursuant to § 1915(g), Plaintiff cannot proceed in forma pauperis in this civil action. Plaintiff will be given until February 14, 2020, to pay the full \$400 district court filing fee to the Court. If he fails to pay the full fee within the prescribed time, the Complaint will be dismissed upon Plaintiff's failure to satisfy the statutory district court filing fee required by 28 U.S.C. § 1914.

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff's Motion for Leave to Proceed In Forma Pauperis (Doc. 2) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff is granted until February 14, 2020, to pay the full \$400 district court filing fee. Failure to submit the fee by that date will result in dismissal of this matter without prejudice and without any additional notice.

IT IS SO ORDERED.

Dated: January 29, 2020

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE