

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

JOSEPH TAYLOR,	)	
	)	
Plaintiff,	)	
v.	)	1:11-cv-1436-JMS-DKL
	)	
CORIZON, INC., et al.,	)	
	)	
Defendants.	)	

**Entry Concerning Selected Matters**

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The motions for appointment of counsel [dkt. 100 and dkt. 102] are denied as having been filed in the wrong forum.

2. The plaintiff's request to proceed on appeal *in forma pauperis* [dkt. 101] is **denied**. The reason for this ruling is that he is ineligible for this statute because of having acquired three or more "strikes" through having litigation to which he was a party in a federal court dismissed for failure to state a claim upon which relief could be granted or as frivolous.<sup>1</sup>

Therefore, he is not entitled to proceed *in forma pauperis* unless the exception under 28 U.S.C. §

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<sup>1</sup> In *Evans v. Illinois Department of Corrections*, 150 F.3d 810 (7th Cir. 1998), it was noted that a prisoner-litigant in these circumstances is entitled to know the cases the court relies on when making the three-strikes determination. For the plaintiff's reference, the cases on which the court relies in finding three or more "strikes" consist of the following:

- Taylor v. City of New Albany*, No. IP 91-607-C (S.D.Ind. September 27, 1991)(dismissal of action as frivolous)
- Taylor v. Gustafson*, No. IP 91-1251-C (S.D.Ind. November 14, 1991)(dismissal of action as frivolous)
- Taylor v. Faith*, No. IP 92-1426-C (S.D.Ind. October 27, 1992)(dismissal of action as frivolous)
- Taylor v. Faith*, No. IP 91-1734-C (S.D.Ind. January 14, 1992)(dismissal of action as frivolous)

1915(g), that he “is under imminent danger of serious physical injury,” applies. The Seventh Circuit has explained that “imminent danger” requires a “real and proximate” threat or prison condition. *See Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir. 2003). The court has considered the record under review, as well as the request to proceed on appeal *in forma pauperis*, and finds that he is not under imminent danger of serious physical injury insofar as that term is used in 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

Date: 11/20/2013

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

Distribution:

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