

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

EDWARD M. HAMPTON,)
)
Plaintiff,)
)
vs.) No. 1:16-cv-00202-TWP-DKL
)
)
AARON COX T.C. Director,)
)
Defendant.)

Entry Denying Motion to Revoke *In Forma Pauperis Status*

This matter is before the Court on Defendant Aaron Cox (“Cox”) Motion for Revocation of Plaintiff’s *In Forma Pauperis Status*. Cox points out that the Plaintiff Edward M. Hampton (“Hampton”) has filed three cases that have been dismissed as frivolous, malicious, or for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A. The *in forma pauperis* statute prohibits a plaintiff who has accumulated three “strikes” from proceeding *in forma pauperis*. That statute provides: “[i]n 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 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.” 28 U.S.C. § 1915(g) (emphasis added).

Cox is correct that on the following occasions, Hampton brought a lawsuit that was dismissed as frivolous, malicious, or for failure to state a claim: (1) *Hampton v. Fee, et al*, Case No. 1:14-cv-00379-JTM-RBC (N.D. Ind. Dec. 10, 2014); (2) *Hampton v. Indiana Dep’t of Corrs.*,

et al., Case No. 1:15-cv-01966-JMS-MJD (S.D. Ind. Dec. 30, 2015); and (3) *Hampton v. Hinton, et al.*, Case No. 1:16-cv-00006-SEB-DKL (S.D. Ind. Jan. 25, 2016). Cox is correct that Hampton has three “strikes.” But the last strike was incurred on January 25, 2016, the same day the present lawsuit was filed. Accordingly, at the time this lawsuit was filed, Hampton had not earned a strike on three *prior occasions*. 28 U.S.C. § 1915(g). Accordingly, the ruling granting Hampton permission to proceed *in forma pauperis* was appropriate and the motion to revoke *in forma pauperis* status [dkt 29] is **DENIED**.

SO ORDERED.

Date: 8/2/2016

Distribution:

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TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana