

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

EDWARD M. HAMPTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 1:16-cv-00854-TWP-MPB
	)	
DAVID SMITH,	)	
Chaplin	)	
	)	
Defendant.	)	

**Entry Directing Payment of Filing Fee**

Edward Hampton is currently an inmate at the Indiana State Prison. He filed this civil action against Chaplin David Smith because on April 8, 2016, Hampton was removed from a religious service at the Correctional Industrial Facility. Hampton sought *in forma pauperis* status on April 18, 2016. The Court granted his motion on May 4, 2016. However, the Court has since learned that Hampton is not eligible to proceed *in forma pauperis* in the circumstances of this case. The reason for this ruling is that he is a prisoner and has, while a prisoner, filed at least three suits or appeals which have been dismissed as frivolous, malicious, or for failure to state a claim. The result of these circumstances is that he is rendered ineligible by 28 U.S.C. § 1915(g) to proceed *in forma pauperis*. It can be added, here, that the narrow exception to the barrier created by § 1915(g)—where a prisoner alleges that he “is under imminent danger of serious physical injury”—does not apply to the claims or allegations in the complaint.

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 Hampton's reference, the cases on which the court relies in finding three or more "strikes" consist of the following:

*Hampton v. Fee, et al.*, 1:14-cv-0379-JTM-RBC (N.D. Ft. Wayne) (dismissed action pursuant to 28 U.S.C. § 1915A) (December 10, 2014).

*Hampton v. Indiana Dep't of Corrs.*, et al. 1:15-cv-1966-JMS-MJD (dismissed action pursuant to 28 U.S.C. § 1915A(b)) (December 30, 2015).

*Hampton v. Hinton, et at.*, 1:16-cv-0006-SEB-DKL (dismissed action pursuant to 28 U.S.C. § 1915A) (January 25, 2016).

Hampton shall have **through September 7, 2016**, in which to pay the \$400.00 filing fee for this civil action. Failure to do so will result in dismissal of this action without further notice.

**IT IS SO ORDERED.**

Date: 8/24/2016



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

Distribution:

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