

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

RONALD EDWARD WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	No. 2:15-cv-00380-JMS-MJD
)	
J. SIMMONS,)	
D. EZEKIEL,)	
)	
Defendants.)	

Entry Denying Motion to Reconsider

In the Entry of March 24, 2016, the plaintiff was informed that he has “struck out” and is not eligible to proceed *in forma pauperis* because he has filed at least three suits or appeals which have been dismissed as frivolous, malicious, or for failure to state a claim. The Court listed four prior cases which qualified as “strikes.” The plaintiff was given through April 27, 2016, in which to pay the balance of the filing fee.

In his motion to reconsider filed on April 15, 2016, the plaintiff argues that two of the listed cases, *Williams v. Gould, et al.*, 12-3202 (2d Cir. Jan. 10, 2013), and *Williams v. Lynch, et al.*, 1:15-cv-01814-UNA (Dis. of Col. Oct. 26, 2015), are not, in fact, strikes.

Before discussing the plaintiff’s objections, the Court must inform him that contrary to his description of the Court’s identification of the prior cases as “deliberate underhanded maneuvers of standing in as a third party defendant to intervene and preventing this action from gaining traction by not allowing the accused defendants to cross the BAR and defend themselves in a fair and forthright proceeding.....” dkt. 17, p. 6, it is the Court’s obligation to manage its docket, identify and dismiss any actions that are frivolous or fail to state a claim on which relief may be

granted, and to deny prisoners *in forma pauperis status* if they are ineligible for that status. *See* 28 U.S.C. §§ 1915(e); (g). As noted by the Court in the Entry of March 24, 2016, the Court has given him the benefit of the doubt as to whether he realized he had struck out and allowed him the opportunity to pay the entire filing fee before dismissing this action.

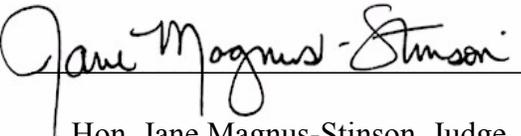
In the Entry of March 24, 2016, the Court provided the plaintiff a list of three district court cases and one appeal which were dismissed for failure to state a claim upon which relief can be granted. The plaintiff's challenge to *Williams v. Lynch, et al.*, 1:15-cv-01814-UNA (Dis. of Col. Oct. 26, 2015) as a strike is baseless. As evidenced by the Order from that case attached to the plaintiff's motion to reconsider, dkt. 17-1, p. 3, that case was dismissed pursuant to 28 U.S.C. § 1915A and a footnote *on that Order* advised the plaintiff that "a dismissal for failure to state a claim qualifies as a strike under 28 U.S.C. § 1915(g)...." The Court takes judicial notice of the Memorandum Opinion in that case which expressly dismissed the action for failure to state a claim. *Williams*, 1:15-cv-01814-UNA (Dis. of Col. Oct. 26, 2015) (docket 4).

Because the plaintiff's challenge to the District of Columbia case being counted as a strike is meritless, the Court need not expend further resources and time in discussing his challenge to the appellate decision. Three prior strikes still remain and that is sufficient to bar the plaintiff from proceeding *in forma pauperis*. Moreover, the plaintiff has failed in his attempt to demonstrate that his claims satisfy the "imminent danger of serious physical injury" exception. Accordingly, the plaintiff's motion to reconsider [dkt. 16] is **denied**.

The Court shall extend the plaintiff's deadline, but if he fails to pay the \$395.46 balance of the filing fee **by May 12, 2016**, this action will be dismissed for failure to pay the filing fee without further notice.

IT IS SO ORDERED.

Date: April 20, 2016


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

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