

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MICHAEL ELKINS,

Plaintiff,

v.

ORDER

GREG GRAMS, JILL GREENE,  
DAVE DITTER and CAROL BRIONES,

06-C-138-S

Defendants.

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Plaintiff was allowed to proceed on his First And Eighth Amendment claims. Defendants advise the Court that plaintiff has three strikes and should not be allowed to proceed in forma pauperis.

28 U.S.C. §1915(g) states as follows:

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 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.

Plaintiff Elkins has on three or more occasions while incarcerated brought civil actions which were dismissed for the reasons listed in §1915(g). These cases are: Elkins v, Graves, et al., 03-C-1274

(E.D. Wis.); Elkins v. Schneider, 02-C-802 (E.D. Wis) and Elkins v. Bertrand, et al., 02-C-232-S (E.D. Wis).

The Court will vacate its order allowing plaintiff to proceed in forma pauperis and dismiss this action pursuant to 28 U.S.C. § 1915(g).

ORDER

IT IS ORDERED that the above entitled action is DISMISSED with prejudice.

Entered this 3<sup>rd</sup> day of April, 2006.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge