

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

CHRIS J. JACOBS, III

Plaintiff,

v.

SECRETARY OF DEPARTMENT OF
CORRECTIONS,

Defendant.

ORDER

16-cv-486-bbc

On August 29, 2016, I entered an order dismissing plaintiff Chris J. Jacobs III's claim that defendant Secretary of Department of Corrections violated plaintiff's constitutional rights by failing to provide him "nightly snack bags." As I noted in that order, plaintiff had not paid the \$400 filing fee required in civil cases and could not proceed in forma pauperis because he had "struck out" under 28 U.S.C. § 1915(g). After judgment was entered in favor of defendant dismissing the case without prejudice, plaintiff filed a motion for leave to proceed in forma pauperis on appeal. Dkt. #10. I am denying this motion for the same reason I denied him leave to proceed in forma pauperis in this court. Section 1915(g), which prohibits prisoners from proceeding in forma pauperis if they have filed three or more cases that were dismissed on the grounds that they were "frivolous, malicious, or fail[ed] to state a claim upon which relief may be granted," applies equally to both actions in the district court and those in the courts of appeals. Accordingly, because plaintiff has struck out under

§ 1915(g) and the imminent danger exception does not apply, he cannot proceed on appeal without first paying the \$505.00 appellate filing fee.

ORDER

IT IS ORDERED that plaintiff Chris J. Jacobs III's request for leave to proceed in forma pauperis on appeal is DENIED.

Entered this 23d day of September, 2016.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge