

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

SCOTT A. HEIMERMANN,

Petitioner,

v.

JON E. LITSCHER, MICHAEL J.
SULLIVAN, CINDY O'DONNELL,
STEPHEN M. PUCKETT, STEVEN
B. CASPERSON, CLEO ASHWORTH,
TIMOTHY DOUMA, PHILIP KINGSTON,
JOHN DEHAAN and JOHN DOE and
RICHARD ROE,

Respondents.

ORDER

02-C-411-C

For the reasons set forth in Heimermann v. MINNCOR Indus., et al., No. 02-C-426-C, released simultaneously with this order, petitioner's request for leave to proceed in forma pauperis will be denied in accordance with the three strikes provision of 28 U.S.C. § 1915(g). Petitioner is not entitled to proceed under § 1915(g)'s lone exception because his complaint does not allege credible facts from which an inference may be drawn that he is under imminent danger of serious physical injury. Petitioner alleges that his former role as a prison "snitch" puts him in a perpetual state of imminent danger that can be abated only by placing him in protective management status and transferring him permanently to a minimum security prison. Petitioner alleges that his snitch status is a result of a "sting" operation he once participated in. However, petitioner alleges that the sting operation transpired four years ago and

targeted one prison employee. Petitioner does not allege that the targeted employee still works at Waupun Correctional Institution, where petitioner is currently incarcerated. Nor is it clear why respondents should be required to house petitioner only in a minimum security prison on the basis of his participation in a sting operation against a prison employee that took place four years ago.

ORDER

IT IS ORDERED that petitioner's request for leave to proceed in forma pauperis is DENIED because petitioner is not eligible for in forma pauperis status under 28 U.S.C. § 1915(g). Petitioner has thirty (30) days from the date of this order in which to:

- 1) pay the \$127.00 balance of the fee and request that the court process the complaint;
- 2) pay the \$127.00 balance of the fee and advise the court that he does not intend to pursue the lawsuit; or
- 3) file a notice of appeal.

If, within thirty (30) days of the date of this order, petitioner does none of these things, then an order under Support Systems International, Inc. v. Mack will be entered.

Entered this 30th day of August, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge