

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

ANDRE WINGO,

Plaintiff,

v.

ORDER

JOHN CHISHOLM and
E. MICHAEL MCCANN,

07-C-070-S

Defendants.

Defendants move to revoke plaintiff's in forma pauperis status and to stay discovery until plaintiff pays the \$350.00 filing fee because he has three strikes in the United States District Court for the Eastern District of Wisconsin.

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 has assessed strikes in the following cases: Wingo v. Doyle, et al., (E.D. Wis., Case No. 03-C-267); Wingo v. McCann et al., (E.D. Wis. Case No. 03-C-1474) and Wingo v. Milwaukee County, (E.D. Wis Case No. 04-C-401).

Since petitioner has not alleged that he is in imminent danger of serious physical injury he will not be allowed to proceed in forma pauperis in this case.

The above entitled action will be dismissed without prejudice subject to reopening when plaintiff pays the \$350.00 filing fee.

ORDER

IT IS ORDERED that the above entitled action is DISMISSED without prejudice until plaintiff pays the \$350.00 filing fee.

Entered this 12th day of April, 2007.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge