

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

WILLIE FRANK WRIGHT, JR.,)
)
 Plaintiff,)
)
 v.) CIVIL ACTION NO. 5:18-CV-27(MTT)
)
 JUDGE BRENDA H. TRAMMELL, *et al.*,)
)
 Defendants.)
)
 _____)

ORDER

Pro se Plaintiff Willie Frank Wright, Jr., who is currently confined at Georgia State Prison, has moved for reconsideration of the Court's Order (Doc. 4) dismissing his case without prejudice under the three strikes provision of 28 U.S.C. § 1915(g). Doc. 7. For the following reasons, the Plaintiff's motion is **DENIED**.¹

In the Order dismissing the Plaintiff's case, the Court noted that the Plaintiff may not proceed in this action without first paying the full \$400.00 filing fee because he has incurred three strikes and does not meet the "imminent danger" exception to the three strikes provision. Doc. 4 at 1-2, 3 (citing 28 U.S.C. § 1915(g); *Medberry v. Butler*, 185 F.3d 1189, 1193 (11th Cir. 1999)). In his motion, the Plaintiff claims that he "did not request to proceed in I.F.P." and that, "when the action was filed," he wrote a letter to a clerk asking for a notice of payment so that he could pay the filing fee. Doc. 7 at 1. The Plaintiff also states he "will pay the filing fee even if it can be paid in installments of 50.00 each month until paid." *Id.* However, the Eleventh Circuit has upheld that, "[a]fter the third meritless suit, the prisoner must pay the *full* filing fee *at the time he initiates*

¹The Plaintiff asks the Court to construe his motion as a "Notice of Appeal if the Court denies reconsideration." Doc. 7 at 1. However, as discussed below, the Plaintiff is allowed to refile his complaint and pay the full filing fee. Thus, the Plaintiff's "Notice of Appeal" is **DENIED as moot**.

suit.” *Dupree v. Palmer*, 284 F.3d 1234, 1236 (11th Cir. 2002) (quoting *Vanderberg v. Donaldson*, 259 F.3d 1321, 1324 (11th Cir. 2001) (emphasis added).

In this case, the Plaintiff did not pay the full \$400.00 filing fee at the time he filed his complaint. Rather, he requested a notice of payment so that he could pay the filing fee at a later date, either in full or in installments of \$50.00 each month. Therefore, the Plaintiff’s case was properly dismissed without prejudice. If the Plaintiff seeks to pursue his claims, he may refile his complaint and pay the full \$400.00 filing fee at that time. Accordingly, the Plaintiff’s Motion for Reconsideration (Doc. 7) is **DENIED**.

SO ORDERED, this 3rd day of April, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT