

# UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse  
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Chicago, Illinois 60604



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## AMENDED ORDER

July 28, 2020

Before

JOEL M. FLAUM, *Circuit Judge*  
FRANK H. EASTERBROOK, *Circuit Judge*  
MICHAEL Y. SCUDDER, *Circuit Judge*

No. 19-3032	DURWYN TALLEY, Plaintiff - Appellant  v.  LIEUTENANT MEISTER, et al., Defendants - Appellees
<b>Originating Case Information:</b>	
District Court No: 1:19-cv-01204-MMM Central District of Illinois District Judge Michael M. Mihm	

The following are before the court:

- 1. MEMORANDUM IN SUPPORT OF PLRA MOTION FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS**, filed on October 28, 2019, by pro se appellant.
- 2. MOTION FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS**, filed on November 4, 2019, by pro se appellant.
- 3. MEMORANDUM IN SUPPORT OF PLRA MOTION FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS**, filed on November 12, 2019, by pro se appellant.

**IT IS ORDERED** that the motion for leave to proceed in forma pauperis on appeal is **DENIED**. See *Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000). The appellant, Durwyn Talley, has not raised a good faith issue that the district court erred when it dismissed his case. Talley shall pay the required docketing fee within 14 days or else this appeal will be dismissed for failure to prosecute pursuant to Circuit Rule 3(b). See *Newlin v. Helman*, 123 F.3d 429 (7th Cir. 1997).

**IT IS FURTHER ORDERED** that Talley has incurred three strikes under 28 U.S.C. § 1915(g). Unpaid docket fees incurred by litigants subject to 28 U.S.C. § 1915(g) lead straight to an order forbidding further litigation. *See Newlin*, 123 F.3d at 436-37. Accordingly, until Durwyn Talley has paid in full all outstanding fees in the district court and in this court, the clerks of all federal courts in this circuit will return unfiled any papers submitted either directly or indirectly by him on or his behalf. *See Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999). This order does not apply to any criminal case in which Talley is a defendant or to any application for habeas corpus relief that he may file. This order may be reexamined in two years under the approach of *Newlin*, 123 F.3d at 436-37, and *Support Systems Int'l v. Mack*, 45 F.3d 185, 186-87 (7th Cir. 1995).

This order does not apply to any suit that Talley files while in imminent danger of serious physical injury, and that requests judicial aid in bringing that danger to an end. Whether such a danger exists is a question for the district judge, and Talley's claim of danger will not be automatically accepted. But if such a claim is made, clerks of court will accept Talley's papers until the district judge rules on the claim.