

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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ORDER

September 24, 2020

Before

FRANK H. EASTERBROOK, *Circuit Judge*
ILANA DIAMOND ROVNER, *Circuit Judge*
AMY J. ST. EVE, *Circuit Judge*

No. 20-2237	WILLIAM S. DAVIS, JR., Plaintiff - Appellant v. UNITED STATES DEPARTMENT OF STATE, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 3:20-cv-50214 Northern District of Illinois, Western Division District Judge Thomas M. Durkin	

The following are before the Court:

1. **MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS**, filed on August 14, 2020, by the pro se appellant.
2. **NOTICE OF LEAVE TO PROCEED ON APPEALS COURT FOR THE FOURTH CIRCUIT IN FORMA PAUPERIS**, filed on September 15, 2020, by the pro se appellant.

A review of this case indicates that appellant is not permitted to proceed in forma pauperis under 28 U.S.C. § 1915(g). The district court properly determined that, on three or more prior

occasions, appellant has brought an action that was dismissed on the grounds that it is frivolous or fails to state a claim upon which relief may be granted. *Davis v. Town of Cary*, 685 F. App'x 238 (4th Cir. 2017) (dismissing four civil appeals as frivolous); *Davis v. Unknown*, No. 2:16-cv-548 (E.D. Va. dismissed Oct. 4, 2016); *Davis v. Scott*, No. 2:11-cv-516 (E.D. Va. dismissed Sept. 29, 2011); *Davis v. North Carolina*, No. 2:11-cv-500 (E.D. Va. dismissed Sept. 23, 2011). In this case, the appellant has not demonstrated imminent danger of a serious physical injury pursuant to § 1915(g). See *Taylor v. Watkins*, 623 F.3d 483 (7th Cir. 2010). A prisoner who has accumulated three strikes but brings an appeal without prepayment in violation of § 1915(g) commits a fraud on the court by seeking permission to proceed in forma pauperis after a judge has held that § 1915(g) applies to that person, and this fraud requires the immediate termination of the suit and an order forbidding further litigation. *Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999); *Newlin v. Helman*, 123 F.3d 429, 436–37 (7th Cir. 1997). Accordingly,

IT IS ORDERED that the motion for leave to proceed on appeal in forma pauperis is **DENIED** and the appeal is **DISMISSED**. Until William Scott Davis has paid in full all outstanding fees and any sanctions in all civil actions he has filed, the clerks of all federal courts in this circuit will return unfiled any papers submitted either directly or indirectly by or on behalf of Davis. This order does not apply to criminal cases or petitions challenging the terms of his confinement and may be reexamined in two years under the approach of *Newlin*, 123 F.3d at 436–37, and *Support Systems Int'l Inc. v. Mack*, 45 F.3d 185, 186–87 (7th Cir. 1995). This order also does not apply to any suit that Davis 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 court in the first instance. If a claim of imminent danger is made, clerks of court should accept Davis's papers until the district judge rules on the claim.