

# UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse  
Room 2722 - 219 S. Dearborn Street  
Chicago, Illinois 60604



Office of the Clerk  
Phone: (312) 435-5850  
www.ca7.uscourts.gov

## ORDER

April 9, 2019

*Before*

DIANE P. WOOD, *Chief Judge*

WILLIAM J. BAUER, *Circuit Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

No. 19-1270	PEDRO MANZANALES, Plaintiff - Appellant  v.  ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES, et al.,
<b>Originating Case Information:</b>	
District Court No: 1:18-cv-01218-MMM Central District of Illinois District Judge Michael M. Mihm	

The following are before the court:

1. **AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**, filed on March 5, 2019, by the pro se appellant.
2. **PLAINTIFF'S MOTION SEEKING TO PROCEED ON APPEAL IN FORMA PAUPERIS IN CASE AT BAR TO OVERTURN DISMISSAL**, filed on March 5, 2019, by the pro se appellant.

A review of this case indicates that the 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, the 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. *Manzanales v. Ill. Dept. of Corr.*, No. 15-cv-1299 (C.D. Ill. dismissed May 2, 2016); *Manzanales v. Ill. Dept. of Corr.*, No. 15-cv-1103 (CD. Ill. dismissed Dec. 8, 2015); *Manzanales v. Tilden*, No. 14-cv-1265 (C.D. Ill. dismissed Aug. 15, 2014). 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 Pedro Manzanales 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 Manzanales. 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).