

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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ORDER

AMENDED January 17, 2023

October 5, 2018

Before

FRANK H. EASTERBROOK, *Circuit Judge*
DIANE P. WOOD, *Circuit Judge*
MICHAEL B. BRENNAN, *Circuit Judge*

No. 18-2505	JOHN L. DYE, JR., Plaintiff - Appellant v. ERIC KOEHLER, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 3:14-cv-00076-jdp Western District of Wisconsin District Judge James D. Peterson	

The following are before the court:

1. **PLAINTIFF-APPELLANT'S DIRECT MOTION FOR APPEAL AND RECONSIDERATION FOR IFP IN FORMA PAUPERIS STATUS**, filed on July 27, 2018, by the pro se appellant.
2. **AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**, filed on August 13, 2018, by the pro se appellant.

Upon consideration of the appellant's motions, the district court's order certifying that the appellant has three strikes pursuant to 28 U.S.C. § 1915(g), and the record on appeal,

IT IS ORDERED that the motion for leave to proceed on appeal in forma pauperis is **DENIED**. See *Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000). Appellant John Dye has not raised

a good faith issue that the district court erred in granting summary judgment in favor of the defendants. Dye shall pay the required docketing fee within 14 days, or this appeal will be dismissed for failure to prosecute pursuant to Circuit Rule 3(b). See *Newlin v. Helman*, 123 F.3d 429, 434 (7th Cir. 1997).

Unpaid docket fees incurred by litigants subject to § 1915(g) lead straight to an order forbidding further litigation. See *Newlin*, 123 F.3d at 436-37. Accordingly, until Dye 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 or on behalf of Dye. See *Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999). 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) (per curiam).

This order does not apply to any suit that Dye 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 Dye's claim of danger will not be automatically accepted. But if such a claim is made, clerks of court will accept Dye's papers until the district judge rules on the claim. Frivolous use of the imminent-danger exception will lead this court to reinstate an absolute ban.