

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

Nedolandez Santos v. Tina Tyler, et al.

Santos · No. 2:26-CV-62-WKW · Decided February 3, 2026

SUMMARY

The court dismissed without prejudice a pro se prisoner’s 42 U.S.C. § 1983 action under the Prison Litigation Reform Act’s three-strikes provision, 28 U.S.C. § 1915(g). The court determined that the plaintiff had accumulated at least three qualifying dismissals, had not paid the filing fee when initiating the action, and had not shown an imminent danger of serious physical injury.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	W. Keith Watkins
JURISDICTION	United States District Court for the Middle District of Alabama
DECIDED	February 3, 2026
DOCKET	2:26-CV-62-WKW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se incarcerated plaintiff filed a 42 U.S.C. § 1983 civil-rights complaint without paying the filing fee. The district court determined that Plaintiff had accumulated at least three qualifying dismissals under the Prison Litigation Reform Act and had not shown that he was in imminent danger of serious physical injury.
STANDARD OF REVIEW	The court evaluated the complaint and the plaintiff's litigation history under the statutory requirements of 28 U.S.C. § 1915(g), construing the complaint liberally and accepting its allegations as true when assessing the imminent-danger exception.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; precedential status is not established in the source.
PARTIES	Nedolandez Santos v. Tina Tyler, et al.

TOPICS

prisoners rights

section 1983

civil procedure

remedies

PRACTICE AREAS

Prisoner civil rights

Federal civil procedure

In forma pauperis litigation

QUESTIONS PRESENTED

1. Whether a prisoner with at least three qualifying dismissals under 28 U.S.C. § 1915(g) may proceed without prepaying the filing fee.
2. Whether Santos established that he was under imminent danger of serious physical injury when he filed the complaint, thereby qualifying for the statutory exception to the three-strikes rule.
3. Whether the action should be dismissed without prejudice because Santos neither paid the filing fee at filing nor satisfied the imminent-danger exception.

HOLDINGS

1. A prisoner who has accumulated at least three qualifying dismissals under 28 U.S.C. § 1915(g) must pay the required filing fee when initiating a new civil action; the prisoner cannot cure the failure by paying after denial of in forma pauperis status.
2. Santos did not demonstrate that he was under imminent danger of serious physical injury at the time he filed the complaint.
3. Because Santos had at least three qualifying strikes, failed to pay the filing fee at filing, and did not qualify for the imminent-danger exception, the action was dismissed without prejudice under § 1915(g).

KEY QUOTATIONS

“The prisoner cannot simply pay the filing fee after being denied in forma pauperis status. He must pay the filing fee at the time he initiates the suit.” (Discussion)

“Allegations of past harm do not satisfy the requirements of the statutory exception.” (Discussion)

FACTUAL BACKGROUND

Santos, an Alabama inmate, alleged that he was assaulted by multiple inmates at Elmore Correctional Facility, struck with a locker-box lock, punched, and left bleeding while correctional officers allegedly failed to provide adequate treatment. He also alleged that officers mocked him and obstructed justice by refusing to retrieve ceiling-camera footage. Before filing this action, he had accumulated at least three qualifying federal dismissals and apparently had been transferred from Elmore Correctional Facility to Ventress Correctional Facility.

PROCEDURAL HISTORY

Santos filed this action against multiple defendants alleging an assault by inmates, inadequate medical treatment, and related misconduct at Elmore Correctional Facility. He did not submit the \$405 filing fee or an application to proceed in forma pauperis. The district court dismissed the action without prejudice under 28 U.S.C. § 1915(g), with final judgment to be entered separately.

DISPOSITION

dismissed

CASES CITED

- Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002) (per curiam)
- Wells v. Brown, 58 F.4th 1347, 1355 (11th Cir. 2023)
- Jones v. Bock, 549 U.S. 199, 204 (2007)
- Daker v. Ward, 999 F.3d 1300, 1310–11 (11th Cir. 2021)
- Lloyd v. Benton, 686 F.3d 1225, 1226 (11th Cir. 2012)
- United States v. Glover, 179 F.3d 1300, 1303 n.5 (11th Cir. 1999)
- Lee v. Fla. Dep’t of Corr., 2025 WL 1113423, at *1 & n.1 (S.D. Fla. Apr. 15, 2025)
- Burton v. Walker, 2025 WL 241115, at *2 (M.D. Ala. Jan. 17, 2025)
- Medberry v. Butler, 185 F.3d 1189, 1192–93 (11th Cir. 1999)
- Brown v. Johnson, 387 F.3d 1344, 1350 (11th Cir. 2004)
- Mitchell v. Nobles, 873 F.3d 869, 875 (11th Cir. 2017)
- Williams v. McNeil, 557 F.3d 1287, 1290 n.2 (11th Cir. 2009)
- Jeffries v. United States, 748 F.3d 1310, 1314 (11th Cir. 2014)
- Santos v. Hutto, No. 2:09-cv-135-TMH-TFM (M.D. Ala. filed Feb. 24, 2009)
- Santos v. Flemmings, No. 2:09-cv-787-TMH-TFM (M.D. Ala. filed Aug. 20, 2009)
- Santos v. Hale, No. 2:09-cv-1087-ID-TFM (M.D. Ala. filed Nov. 30, 2009)

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