

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PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; precedential status is not established in the source.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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION NEDOLANDEZ SANTOS,) AIS # 140896,)) Plaintiff,)) v.) CASE
NO. 2:26-CV-62-WKW) [WO] TINA TYLER, et al.,)) Defendants.) MEMORANDUM
OPINION AND ORDER I. INTRODUCTION Plaintiff Nedolandez Santos, an inmate in the
custody of the Alabama Department of Corrections (ADOC), filed this pro se 42 U.S.C. § 1983
complaint against multiple Defendants.

(Doc. # 1.) However, Plaintiff has filed at least three federal lawsuits that have been dismissed as frivolous, malicious, or for failure to state a claim, and Plaintiff has not demonstrated that he is in imminent danger of serious physical injury to allow him to proceed in forma pauperis in this action. See 28 U.S.C. § 1915(g). Hence, he was required to pay the \$405.00 filing fee at the time he initiated this action.¹ Because he did not submit the \$405.00 filing fee, this action will be dismissed without prejudice under § 1915(g).

¹ If a person is not granted in forma pauperis status under 28 U.S.C. § 1915, the filing fee for a non-habeas civil action includes a \$350.00 statutory fee under 28 U.S.C. § 1914(a) and a \$55.00

II. DISCUSSION The Prison Litigation Reform Act (PLRA) imposes specific restrictions on civil rights lawsuits filed by inmates in federal court. One key restriction is known as the “three strikes” provision, which states: In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury. § 1915(g).

Section 1915(g)’s purpose is “to curtail abusive prisoner litigation.” *Dupree v. Palmer*, 284 F.3d 1234, 1236 (11th Cir. 2002) (per curiam); see also *Wells v. Brown*, 58 F.4th 1347, 1355 (11th Cir. 2023) (“By taking away the privilege of proceeding in forma pauperis from prisoners who have struck out, the rule is ‘designed to filter out the bad claims and facilitate consideration of the good.’” (quoting *Jones v. Bock*, 549 U.S. 199, 204 (2007))).

Under this provision, if a prisoner has three or more qualifying dismissals (“strikes”) and fails to pay the required \$405.00 fee at the time the new complaint is filed, the court must dismiss the case without prejudice. See *Dupree*, 284 F.3d at 1236.

As the Eleventh Circuit explained in *Dupree*, the three-striker cannot cure such failure by paying the filing fee after the complaint has been filed: general administrative fee, as set forth in § 1914(b) and the District Court Miscellaneous Fee Schedule established by the Judicial Conference of the United States.

We conclude that the proper procedure is for the district court to dismiss the complaint without prejudice when it denies the prisoner leave to proceed in forma pauperis pursuant to the three strikes provision of § 1915(g).

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. *Id.*; accord *Daker v. Ward*, 999 F.3d 1300, 1310 (11th Cir. 2021). Plaintiff has filed numerous civil actions in Alabama federal courts while incarcerated and has accumulated at least three strikes under § 1915(g).² See, e.g., *Santos v. Hutto*, No. 2:09-cv-135-TMH-TFM (M.D.

Ala. filed Feb. 24, 2009) (dismissed May 19, 2009, as frivolous and for failure to state a claim on which relief may be granted under 28 U.S.C. § 1915(e)(2)(B)(i) and (ii)); *Santos v. Flemmings*, No. 2:09-cv-787-TMH-TFM (M.D. Ala. filed Aug. 20, 2009) (dismissed December 17, 2009, as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i)); and *Santos v. Hale*, No. 2:09-cv-1087-ID-TFM (M.D.

Ala. filed Nov. 30, 2009) (dismissed January 19, 2010, as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i)). These dismissals place 2 Courts regularly take judicial notice of a prisoner’s litigation

history in federal courts when determining whether the prisoner has accrued three strikes under § 1915(g). See, e.g., *Lloyd v. Benton*, 686 F.3d 1225, 1226 (11th Cir.

2012) (noting the district court took “judicial notice of [the prisoner’s] status as a ‘three strikes’ litigant under the PLRA”); *Lee v. Fla. Dep’t of Corr.*, 2025 WL 1113423, at *1 & n.1 (S.D. Fla. Apr. 15, 2025) (taking judicial notice of the prisoner’s prior federal lawsuits to dismiss the action under the “three-strikes” rule); *Burton v. Walker*, 2025 WL 241115, at *2 (M.D.

Ala. Jan. 17, 2025) (taking judicial notice of its own records to evaluate the prisoner’s three-strikes status under § 1915(g)); see also *United States v. Glover*, 179 F.3d 1300, 1303 n.5 (11th Cir. 1999) (“A court may take judicial notice of its own records and the records of inferior courts.” (citation and internal quotations marks omitted)).

Moreover, the final dispositions of a prisoner’s prior federal lawsuits “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). The provided list of Plaintiff’s “strikes” may not be exhaustive. Plaintiff in violation of § 1915(g).³ Consequently, federal district courts in Alabama have dismissed multiple subsequent civil actions filed by Plaintiff as barred by § 1915(g)’s three-strikes provision.

See, e.g., *Santos v. Mitchem*, No. 2:10-cv-2057- IPJ-PWG (N.D. Ala. filed July 28, 2010) (dismissed August 3, 2010, pursuant to § 1915(g)); *Santos v. Ala. Dep’t of Corr.*, No. 1:11-cv-59-CG-M (S.D. Ala. filed Feb. 3, 2011) (dismissed April 15, 2011, pursuant to § 1915(g)); *Santos v. Mitchem*, No. 7:11-cv-2666-RDP-PWG (N.D. Ala. filed July 26, 2011) (dismissed July 28, 2011, pursuant to § 1915(g)); and *Santos v. Lawson*, No. 2:12-cv-621-TMH-TFM (M.D.

Ala. filed July 19, 2012) (dismissed August 29, 2012, pursuant to § 1915(g)). Because Plaintiff has accrued three strikes under § 1915(g), he cannot proceed in forma pauperis in this case. He was required to pay the \$405.00 filing fee at the time he initiated this action and did not do so.

However, there is an exception to the three-strikes rule: A three-striker can proceed in forma pauperis if he was “under imminent danger of serious physical injury” at the time he filed his complaint. 28 U.S.C. § 1915(g); see also *Daker v. Ward*, 999 F.3d 1300, 1310–11 (11th Cir. 2021) 3 Plaintiff acknowledges that he has filed “previous law suit[s],” but it appears that he only admits to two.

(See Doc. # 1 at 1.) Contrary to his representation, Plaintiff has filed thirteen suits in the Middle District of Alabama (including this one and a separate, pending suit: *Santos v. Stallworth*, No. 2:26-cv-5-BL-JTA (M.D. Ala. filed Jan. 5, 2026)). Additionally, Plaintiff has been advised previously by federal courts in at least four separate cases that he is subject to the three-strikes bar under § 1915(g).

Plaintiff is cautioned that his status as a pro se litigant does not excuse him from the obligation to provide truthful and complete information regarding his litigation history and that a failure to do so in future actions, following notice and an opportunity to respond, may serve as an independent basis for dismissal of those actions as a sanction. See *Mitchell v. Nobles*, 873 F.3d 869, 875 (11th Cir.

2017). (“To satisfy this exception, the prisoner must show he is in imminent danger ‘at the time that he seeks to file his suit in district court....’” (quoting *Medberry v. Butler*, 185 F.3d 1189, 1192–93 (11th Cir. 1999))). Allegations of past harm do not satisfy the requirements of the statutory exception. *Daker*, 999 F.3d at 1311; see also *Medberry*, 185 F.3d at 1193 (“[A] prisoner’s allegation that he faced imminent danger sometime in the past is... insufficient.”).

Additionally, generalized assertions, lacking “specific fact allegations” to demonstrate that serious physical injury is imminent, are insufficient to trigger the exception under § 1915(g). *Medberry*, 185 F.3d at 1193; see also *Daker*, 999 F.3d at 1311 (holding that “[g]eneral assertions... are ‘insufficient to invoke the exception to § 1915(g) absent specific fact allegations of ongoing serious physical injury, or of a pattern of misconduct evidencing the likelihood of imminent serious physical injury’” (quoting *Brown v. Johnson*, 387 F.3d 1344, 1350 (11th Cir.

2004))). In assessing whether a prisoner has shown “imminent danger of serious physical injury” under § 1915(g), the court considers the complaint, in its entirety, “construing it liberally and accepting its allegations as true.” *Daker*, 999 F.3d at 1311 (quoting *Brown*, 387 F.3d at 1350). Plaintiff did not file an application to proceed in forma pauperis in this action, but even if he had, his complaint as a whole fails to meet the exception to the three- strikes provision under § 1915(g).

In his complaint, Plaintiff alleges that he was assaulted by multiple inmates while incarcerated at Elmore Correctional Facility.⁴ (Doc. # 1 at 4.) He claims he was “hit with a[] locker-box[] lock” and “punch[ed],” and he “had to beat on [the] cubical door” for help as he was “bleed[ing].” He further alleges that he was provided “no adequate treatment” and that correctional officers were “making mockery face[s]” at him.

(*Id.* at 4–5.) He also accuses the correctional-officer Defendants of engaging in a “conspiracy, obstructing justice” because they allegedly refused to retrieve the ceiling-camera footage from Plaintiff’s assault. (*Id.* at 6.) He seeks \$50,000 from each Defendant. (*Id.* at 9.)

The bulk of Plaintiff’s allegations are confusing and seemingly unrelated. Thus, the allegations do not demonstrate that Plaintiff faced imminent danger of serious physical injury at the time he filed his complaint.⁵ Also, it appears that, since the alleged assault and before filing this action, Plaintiff has been transferred to Ventress Correctional Facility, further indicating that Plaintiff was not in imminent danger at the time of filing.

Accordingly, he does not meet the imminent-danger exception to the three-strikes provision under § 1915(g), and this case will be dismissed without prejudice. 4 It is unclear whether this alleged assault occurred on November 6, 2025 (Doc. # 1 at 2) or February 6, 2025 (Doc. # 1 at 4). 5 “Under the ‘prison mailbox rule,’ a pro se prisoner’s court filing is deemed filed on the date it is delivered to prison authorities for mailing.” *Williams v. McNeil*, 557 F.3d 1287, 1290 n.2 (11th Cir.

2009). Absent evidence to the contrary, the court must “assume that a prisoner delivered a filing to prison authorities on the date that he signed it.” *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014). It appears that Plaintiff signed and dated his complaint “1-22-26.” (See Doc. # 1-1 at 2.) III. CONCLUSION Plaintiff has filed at least three federal lawsuits while incarcerated that were dismissed as frivolous, malicious, or for failure to state a claim under 28 U.S.C. § 1915(e)(2) (B), and he has not shown that he was under imminent danger of serious physical injury when he filed his complaint in this action.

Therefore, Plaintiff was required to pay the \$405.00 filing fee at the time of filing his complaint but failed to do so. Accordingly, it is ORDERED that this action is DISMISSED without prejudice under 28 U.S.C. § 1915(g). Final Judgment will be entered separately. DONE this 3rd day of February, 2026. /s/ W. Keith Watkins UNITED STATES DISTRICT JUDGE