

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

Draper Frank Woodyard v. South Baldwin Hospital, et al.

Woodyard · No. Civil Action No. 26-00090-KD-B · Decided May 12, 2026

SUMMARY

The United States District Court for the Southern District of Alabama denied Draper Frank Woodyard’s motion to proceed in forma pauperis on appeal. The court held that Woodyard was subject to the three-strikes provision of 28 U.S.C. § 1915(g) and had not shown that he was under imminent danger of serious physical injury.

CASE DETAILS

COURT	United States District Court for the Southern District of Alabama
WRITING FOR THE COURT	Kristi K. DuBose
JURISDICTION	United States District Court for the Southern District of Alabama
DECIDED	May 12, 2026
DOCKET	Civil Action No. 26-00090-KD-B
DISPOSITION	other
PROCEDURAL POSTURE	After the action was dismissed without prejudice on the Magistrate Judge's recommendation and the district court's adoption of that recommendation, Plaintiff filed a notice of appeal and moved to proceed in forma pauperis on appeal.
PRECEDENTIAL VALUE	unpublished
PARTIES	Draper Frank Woodyard v. South Baldwin Hospital, 8 unknown staff members, Hospital Board of Directors

TOPICS

- prisoners rights
- section 1983
- appellate procedure
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation
- appellate procedure

QUESTIONS PRESENTED

1. Whether Woodyard could proceed in forma pauperis on appeal despite having three qualifying strikes under 28 U.S.C. § 1915(g).
2. Whether Woodyard showed that he was under imminent danger of serious physical injury so as to qualify for the statutory exception to the three-strikes rule.

HOLDINGS

1. A prisoner with three qualifying strikes must pay the appellate filing fee unless he demonstrates that he is under imminent danger of serious physical injury.
2. Woodyard did not establish that he was under imminent danger of serious physical injury and therefore did not qualify for the exception to § 1915(g).

KEY QUOTATIONS

“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.”

FACTUAL BACKGROUND

Woodyard alleged that eight members of the staff of South Baldwin Hospital assaulted him after he was admitted in March or April 2024. He sought monetary relief under 42 U.S.C. § 1983 against the hospital, its board of directors, and unknown staff members in their individual and official capacities. At the time of the motion, he was a pretrial detainee confined at the Baldwin County Correctional Facility and had three qualifying strikes under § 1915(g).

PROCEDURAL HISTORY

Woodyard brought a 42 U.S.C. § 1983 action alleging that hospital staff assaulted him. The Magistrate Judge recommended dismissal without prejudice for lack of subject matter jurisdiction because the defendants were not alleged to be state actors and under 28 U.S.C. § 1915(g) because Woodyard had three prior strikes and had not shown imminent danger of serious physical injury. The district court adopted the recommendation and dismissed the action. The court then denied Woodyard's motion to proceed in forma pauperis on appeal.

DISPOSITION

other

CASES CITED

- Smith v. Ward, 848 Fed. Appx. 853, 856 (11th Cir. 2021)

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