

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Aich v. State of Kansas

Aich v. State of Kansas · No. 26-3072-JWL · Decided March 30, 2026

SUMMARY

The United States District Court for the District of Kansas denied Jesse Joseph Aich’s motion to proceed in forma pauperis under the three-strikes provision of 28 U.S.C. § 1915(g), finding no imminent danger of serious physical injury. The court ordered Plaintiff to pay the \$405 filing fee by April 30, 2026, or the action would be dismissed without prejudice. The court also found the False Claims Act complaint appeared frivolous and directed the Clerk to send Plaintiff 16 civil cover sheets.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	March 30, 2026
DOCKET	26-3072-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil action asserting that it arose under the False Claims Act and moved for leave to proceed in forma pauperis. The district court denied in forma pauperis status under the Prison Litigation Reform Act's three-strikes provision, gave plaintiff a deadline to pay the filing fee, and directed the Clerk to send civil cover sheets.
STANDARD OF REVIEW	The court examined the complaint and attachments to determine whether plaintiff made specific, credible allegations of imminent danger of serious physical injury sufficient to invoke the exception to the three-strikes rule under 28 U.S.C. § 1915(g).
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive value only
PARTIES	Jesse Joseph Aich v. State of Kansas

TOPICS

civil procedure

federal spending

pleadings

PRACTICE AREAS

Civil procedure

Prisoner litigation

False Claims Act

QUESTIONS PRESENTED

1. Whether plaintiff, having accrued at least three qualifying strikes under 28 U.S.C. § 1915(g), demonstrated an imminent danger of serious physical injury permitting him to proceed in forma pauperis.
2. Whether plaintiff's conclusory assertion that he was proceeding under the False Claims Act, together with attachments from his state criminal cases, stated a plausible False Claims Act claim against the State of Kansas.

HOLDINGS

1. A prisoner with at least three qualifying strikes may proceed in forma pauperis only upon specific, credible allegations that he faced an imminent danger of serious physical injury. Because Aich's complaint and attachments made no such showing, the court denied his motion to proceed in forma pauperis.
2. The complaint appeared frivolous because plaintiff merely invoked the False Claims Act, attached state-court criminal-case filings, and did not allege fraud against the federal government; the court also stated that the State of Kansas and its agencies are not subject to liability under the Act.

KEY QUOTATIONS

“To meet the only exception to the prepayment requirement, a prisoner who has accrued three strikes must make ‘specific, credible allegations of imminent danger of serious physical harm.’”

“The ‘imminent danger’ exception has a temporal limitation—the exception is construed narrowly and available only ‘for genuine emergencies,’ where ‘time is pressing’ and ‘a threat . . . is real and proximate.’”

FACTUAL BACKGROUND

Plaintiff was in custody at the Reno County Correctional Facility in Hutchinson, Kansas, and filed a pro se action naming the State of Kansas as the sole defendant. He stated that he was bringing the action under the False Claims Act and attached filings from his state criminal cases, but did not allege fraud against the federal government or facts showing imminent danger of serious physical injury. Court records showed at least three prior qualifying civil actions dismissed for failure to state a claim.

PROCEDURAL HISTORY

Aich, who was incarcerated at the Reno County Correctional Facility, filed the complaint and an application to proceed in forma pauperis. The court determined that he had accrued at least three qualifying strikes under 28 U.S.C. § 1915(g) and that the complaint and attachments did not show imminent danger of serious physical

injury. The court denied in forma pauperis status, allowed until April 30, 2026, to pay the \$405 filing fee, and stated that failure to pay would result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Aich v. Reno Cnty. Corr. Facility, Case No. 25-3235-JWL, Doc. 7 (D. Kan. Jan. 23, 2026)
- Aich v. Reno Cnty. Corr. Facility, Case No. 25-3248-JWL, Doc. 6 (D. Kan. Dec. 22, 2025)
- Aich, et al. v. Reno Cnty. Corr. Facility, Case No. 25-3249-JWL, Doc. 7 (D. Kan. Dec. 22, 2025)
- Aich v. Reno Cnty. Corr. Facility, Case No. 25-3255-JWL, Doc. 7 (D. Kan. Dec. 12, 2025)
- Davis v. GEO Group Corr., 696 F. App'x 851, 854 (10th Cir. 2017)
- Hafed v. Fed. Bureau of Prisons, 635 F.3d 1172, 1179 (10th Cir. 2011)
- Lynn v. Roberts, No. 11-3073-JAR, 2011 WL 3667171, at *2 (D. Kan. Aug. 22, 2011)
- Payne v. Att'y Gen. of Massachusetts, 2012 WL 2580183, at *2 (D. Kan. July 3, 2012)
- Ridenour v. Kaiser-Hill Co., LLC, 397 F.3d 925, 930 (10th Cir. 2005)
- Ekeh v. Budget Truck Rental LLC, 2025 WL 2799995, at *1 (D. Kan. 2025)