

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, SHERMAN DIVISION

James Arthur Meeks v. Tony Ray, et al.

Civil Case No. 4:22-cv-237 · No. 4:22-cv-237 · Decided December 1, 2025

SUMMARY

The United States District Court for the Eastern District of Texas denies James Arthur Meeks’s motion to proceed in forma pauperis on appeal under the Prison Litigation Reform Act’s three-strikes provision, 28 U.S.C. § 1915(g). The court concludes that Meeks had accumulated three strikes, including the dismissal in the underlying action, and that affirmances of prior dismissals did not constitute additional strikes. Because Meeks did not show that he was in imminent danger of serious physical injury when he filed the appeal, the court denies in forma pauperis status.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Sherman Division
JURISDICTION	United States District Court for the Eastern District of Texas, Sherman Division
DECIDED	December 1, 2025
DOCKET	4:22-cv-237
DISPOSITION	other
PROCEDURAL POSTURE	After filing a notice of appeal from dismissal of the lawsuit, Plaintiff moved to proceed in forma pauperis on appeal. The district court considered whether the Prison Litigation Reform Act's three-strikes provision barred IFP status and denied the motion.
STANDARD OF REVIEW	The court applied the statutory requirements of 28 U.S.C. § 1915(g) to determine eligibility for in forma pauperis status on appeal, including whether Plaintiff had three qualifying strikes and whether he alleged imminent danger of serious physical injury.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order
PARTIES	James Arthur Meeks v. Tony Ray, et al.

TOPICS

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

PRACTICE AREAS

prisoner civil rights

appellate procedure

in forma pauperis practice

statutory interpretation

QUESTIONS PRESENTED

1. Whether affirmances of prior district-court dismissals count as additional strikes under 28 U.S.C. § 1915(g).
2. Whether denial of a motion to intervene constitutes a strike under § 1915(g).
3. Whether a dismissal constituting a prisoner's third strike counts for purposes of determining IFP eligibility when the prisoner is appealing that dismissal.
4. Whether Plaintiff established the imminent-danger exception to the PLRA three-strikes rule.

HOLDINGS

1. An appellate affirmance of a qualifying district-court dismissal does not constitute a separate strike when the appeal itself was not dismissed as frivolous.
2. A district court's denial of a motion to intervene, and the affirmance of that denial, do not constitute strikes under § 1915(g) because they are not qualifying actions or appeals dismissed on the grounds specified by the statute.
3. A district-court dismissal that constitutes a prisoner's third strike counts for purposes of § 1915(g) even when the prisoner is appealing that dismissal.
4. Plaintiff was not entitled to the imminent-danger exception because he did not allege or make the requisite showing that he faced imminent danger of serious physical injury when he filed the appeal.

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 [the in forma pauperis statute] 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.” (28 U.S.C. § 1915(g))

“Because Plaintiff accumulated three strikes at the time he filed his notice of appeal, he may not bring this appeal in forma pauperis unless he was in imminent danger of serious physical injury at the time he filed the appeal.” (Order)

FACTUAL BACKGROUND

Meeks was a prisoner who sought to appeal the dismissal of his civil-rights lawsuit without prepaying the appellate filing fee. He had at least two qualifying prior dismissals for failure to state a claim. His prior appeals had affirmed those dismissals, rather than being dismissed as frivolous, and a prior motion to intervene had been denied rather than dismissed on a qualifying ground. Meeks did not allege or establish that he faced imminent danger of serious physical injury when he filed the appeal.

PROCEDURAL HISTORY

Meeks filed a notice of appeal from the dismissal of his lawsuit and moved for leave to proceed in forma pauperis. Defendants opposed the motion, arguing that Meeks had accumulated three strikes under 28 U.S.C. § 1915(g). The court determined that two prior district-court dismissals counted as strikes, the related affirmances and denial of intervention did not create additional strikes, but the dismissal in the present case constituted a third strike even while being challenged on appeal. Because Meeks failed to show imminent danger of serious physical injury, the court denied IFP status on appeal.

DISPOSITION

other

CASES CITED

- Meeks v. DeBouse, No. 4:23-CV-619-P, 2024 WL 1862187 (N.D. Tex. Apr. 29, 2024)
- Meeks v. DeBouse, No. 24-10431, 2024 WL 4457846 (5th Cir. Oct. 10, 2024)
- Meeks v. Nash, No. 1:18-CV-263 (E.D. Tex. Mar. 10, 2020)
- Meeks v. Nash, No. 20-40252, 2021 WL 4515396 (5th Cir. Oct. 1, 2021)
- Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996)
- Coleman v. Tollefson, 575 U.S. 532, 538 (2015)
- Carson v. Millus, 621 F. App'x 787, 791 n.3 (5th Cir. 2015)
- Lowe v. Dollison, No. 6:11CV108, 2012 WL 162026, at *2 (E.D. Tex. Jan. 18, 2012)
- Cole v. Collier, No. 4:14-CV-1698, 2018 WL 2117338, at *5 (S.D. Tex. May 7, 2018)
- Brannum v. Collier, 745 F. App'x 544, 544 (5th Cir. 2018)
- Prescott v. UTMB Galveston Texas, 73 F.4th 315, 319, 321–22 (5th Cir. 2023)
- Richey v. Dahne, 807 F.3d 1202, 1209–10 (9th Cir. 2015)
- Taylor v. Grubbs, 930 F.3d 611, 620 (4th Cir. 2019)
- Parker v. Montgomery County Correctional Facility/Business Office Manager, 870 F.3d 144, 151–54 (3d Cir. 2017)
- Robinson v. Powell, 297 F.3d 540, 541 (7th Cir. 2002)
- Alexander v. Texas Department of Criminal Justice, 951 F.3d 236, 242, 246 (5th Cir. 2020) (Ho, J., concurring)
- Fiorito v. Prodigal Co., No. 24-CV-3757 (PJS/TNL), 2025 WL 26048, at *3 (D. Minn. Jan. 3, 2025)
- Banos v. O'Guin, 144 F.3d 883, 884 (5th Cir. 1998)
- Resendez v. Abbott, No. 20-50647, 2022 WL 3971589, at *1 (5th Cir. 2022)
- Smith v. Blount, 258 F. App'x 630, 630 (5th Cir. 2007)