

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
ARKANSAS, CENTRAL DIVISION

Gary Lynn Conley v. Arkansas Division of Correction, et al.

Conley · No. 4:25-cv-01284-JM-JJV · Decided February 9, 2026

SUMMARY

A United States magistrate judge recommends dismissal without prejudice of Gary Lynn Conley’s civil rights action alleging excessive force and failure to protect. The recommendation concludes that Conley had three qualifying strikes under 28 U.S.C. § 1915(g), did not satisfy the imminent-danger exception, and failed to pay the required filing fee after being denied in forma pauperis status. The recommendation also advises that an appeal from an adopting order would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Arkansas, Central Division
JURISDICTION	United States District Court for the Eastern District of Arkansas, Central Division
DECIDED	February 9, 2026
DOCKET	4:25-cv-01284-JM-JJV
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner filed an action alleging excessive force and failure to protect and sought leave to proceed in forma pauperis. After determining that Plaintiff had three strikes under 28 U.S.C. § 1915(g), the magistrate judge denied in forma pauperis status, directed Plaintiff to pay the \$405 filing fee, and recommended dismissal without prejudice when he failed to do so.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

prisoners rights

civil rights

civil procedure

PRACTICE AREAS

prisoner litigation

civil rights

in forma pauperis procedure

QUESTIONS PRESENTED

1. Whether Plaintiff qualified for the imminent-danger exception to the three-strikes bar in 28 U.S.C. § 1915(g).
2. Whether the action should be dismissed without prejudice after Plaintiff failed to pay the filing fee following denial of in forma pauperis status.

HOLDINGS

1. The allegations did not satisfy the imminent-danger exception because the alleged uses of force occurred months before filing, the alleged assailant no longer worked for the Arkansas Division of Correction, and the allegations of possible future harm were conclusory and vague.
2. The magistrate judge recommended dismissing the complaint without prejudice because Plaintiff did not pay the filing fee after his motion to proceed in forma pauperis was denied and the court's deadline expired.

KEY QUOTATIONS

“By using the term ‘imminent,’ Congress indicated that it wanted to include a safety valve for the three strikes rule to prevent impending harms, not those harms that had already occurred” (at 1)

FACTUAL BACKGROUND

Gary Lynn Conley, an Arkansas prisoner, alleged that Anthony Sifuentes used excessive force against him at the Varner Unit on March 30 and April 3, 2025. He also alleged that several nonparties failed to protect him. Sifuentes no longer worked for the Arkansas Division of Correction when the action was filed, and the court found that the alleged past incidents and broad allegations of future harm did not plausibly establish imminent danger.

PROCEDURAL HISTORY

Plaintiff filed the action on December 12, 2025, and sought to proceed in forma pauperis. The magistrate judge determined that Plaintiff had accumulated three qualifying strikes and that his allegations did not satisfy § 1915(g)'s imminent-danger exception. Plaintiff was given twenty-one days to pay the filing fee but did not do so, leading to this Recommended Disposition advising dismissal without prejudice and closure of the case.

DISPOSITION

other

CASES CITED

- Pinder v. Wellpath, LLC, 112 F.4th 495, 500 (8th Cir. 2024)
- Martin v. Shelton, 319 F.3d 1048, 1050 (8th Cir. 2003)
- Conley v. Arkansas, No. 4:22-cv-00090-BRW (E.D. Ark. Mar. 10, 2022)
- Conley v. Hutchinson, No. 4:22-cv-00353-DPM (E.D. Ark. June 16, 2023)

- Conley v. Jegley, No. 4:24-cv-00016-LPR (E.D. Ark. Jan. 13, 2024)

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