

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Jesse Joseph Aich v. State of Kansas

Aich · No. 26-3072-JWL · Decided April 14, 2026

SUMMARY

The United States District Court for the District of Kansas denied Jesse Joseph Aich’s second motion to proceed in forma pauperis under the three-strikes provision of 28 U.S.C. § 1915(g). The court maintained the deadline to pay the \$405 filing fee and warned that failure to do so by April 30, 2026, would result in dismissal without prejudice.

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	April 14, 2026
DOCKET	26-3072-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil action and a second motion for leave to proceed in forma pauperis after the court denied his first motion under the three-strikes provision of 28 U.S.C. § 1915(g).
STANDARD OF REVIEW	The court applied 28 U.S.C. § 1915(g) to determine whether Plaintiff qualified to proceed in forma pauperis.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jesse Joseph Aich v. State of Kansas

TOPICS

- civil procedure
- due process
- equal protection
- constitutional law

PRACTICE AREAS

- civil procedure
- prisoner litigation
- constitutional law

QUESTIONS PRESENTED

1. Whether Plaintiff could proceed in forma pauperis despite being subject to the three-strikes provision of 28 U.S.C. § 1915(g).
2. Whether Plaintiff's challenge to the filing-fee requirement, including his due-process, equal-protection, and access-to-courts objections, justified granting his second in forma pauperis motion.

HOLDINGS

1. Plaintiff's second motion for leave to proceed in forma pauperis was denied because he was subject to 28 U.S.C. § 1915(g), had not shown imminent danger of serious physical injury, and the court had previously found that his claims appeared frivolous.
2. Plaintiff's constitutional objections to the filing-fee requirement did not justify in forma pauperis status because the Tenth Circuit has upheld § 1915(g) against due-process, equal-protection, and access-to-the-courts challenges.

KEY QUOTATIONS

“The Tenth Circuit “has already upheld the constitutionality of 1915(g) against due process, equal protection, and access to the courts challenges.””

“Plaintiff’s second motion for leave to proceed in forma pauperis is denied for the same reasons set forth in the Court’s M&O denying Plaintiff’s first motion.”

FACTUAL BACKGROUND

Plaintiff, who was in custody at the Reno County Correctional Facility in Hutchinson, Kansas, brought a pro se action asserting claims under the False Claims Act and initially named the State of Kansas as the sole defendant. He filed a second motion to proceed in forma pauperis after the court determined that he was subject to the three-strikes provision and had not shown imminent danger of serious physical injury.

PROCEDURAL HISTORY

The court previously denied Plaintiff's first in forma pauperis motion, found that § 1915(g) applied, found no showing of imminent danger of serious physical injury, and ordered Plaintiff to pay the \$405 filing fee by April 30, 2026. Plaintiff then filed a second in forma pauperis motion, an amended complaint, and a response challenging the filing-fee requirement. The court denied the second motion and left the payment deadline in effect.

DISPOSITION

other

CASES CITED

- *Burghart v. Corr. Corp. of Am.*, 350 F. App'x 278, 279 (10th Cir. 2009)
- *White v. Colorado*, 157 F.3d 1226, 1232-35 (10th Cir. 1998)
- *Kinnell v. Graves*, 265 F.3d 1125, 1128 (10th Cir. 2001)

OPINION

Jesse Joseph Aich v. State of Kansas

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

JESSE JOSEPH AICH,

Plaintiff,

v. CASE NO. 26-3072-JWL

STATE OF KANSAS,

Defendant.

MEMORANDUM AND ORDER

Plaintiff brings this pro se civil action. Plaintiff is in custody at the Reno County Correctional Facility in Hutchinson, Kansas. Plaintiff claims that he is bringing this action under the False Claims Act and named the State of Kansas as the sole defendant.¹ (Doc. 1, at 1.) This matter is before the Court on Plaintiff's second motion for leave to proceed in forma pauperis (Doc. 6). On March 30, 2026, the Court entered a Memorandum and Order (Doc. 4) ("M&O") denying Plaintiff's first motion for leave to proceed in forma pauperis, finding that Plaintiff is subject to the "three-strikes" provision under 28 U.S.C. § 1915(g). The Court examined the Complaint and attachments and found no showing of imminent danger of serious physical injury. The Court also found that the claims appear to be frivolous. The Court granted Plaintiff until April 30, 2026, to submit the \$405.00 filing fee. Plaintiff has filed a second motion for leave to proceed in forma pauperis and an Amended Complaint. (Docs. 6, 8.) Plaintiff also filed a response (Doc. 5) suggesting that the filing fee for this case is somehow taken care of through the Court's yearly budget and that requiring him to pay 1 Plaintiff filed a one-page document titled "Amended Complaint 1) to Add Defendant 2) to Add Relief." (Doc. 8.) He seeks to add the 27th Judicial District as a defendant and seeks to add a request to dismiss his state criminal cases with extreme prejudice. his filing fee constitutes double jeopardy. The Court cited the statutory authority for requiring Plaintiff to submit the filing fee—28 U.S.C. § 1915(g). The Tenth Circuit "has already upheld the constitutionality of 1915(g) against due process, equal protection, and access to the courts challenges." *Burghart v. Corr. Corp. of Am.*, 350 F. App'x 278, 279 (10th Cir. 2009) (unpublished) (citing *White v. Colo.*, 157 F.3d 1226, 1232–35 (10th Cir. 1998)); see also *Kinnell v. Graves*, 265 F.3d 1125, 1128 (10th Cir. 2001) (finding that the court in *White* held that ifp status in a civil case is not a fundamental right and that § 1915(g) "is rationally related to the legitimate end of deterring frivolous and malicious prisoner lawsuits") (quoting *White*, 157 F.2d at 1233–34). Plaintiff's second motion for leave to proceed in forma pauperis is denied for the same reasons set forth in the Court's M&O denying Plaintiff's first motion. Plaintiff is cautioned that the deadline to submit his filing fee is April 30, 2026. IT IS THEREFORE ORDERED that Plaintiff's second Motion for Leave to Proceed in Forma Pauperis (Doc. 6) is denied. IT IS FURTHER ORDERED

that the Court-ordered April 30, 2026 deadline to submit the \$405.00 filing fee remains in effect. The failure to submit the fee by that date will result in the dismissal of this matter without prejudice and without additional prior notice. IT IS SO ORDERED. Dated April 14, 2026, in Kansas City, Kansas. S/ John W. Lungstrum

JOHN W. LUNGSTRUM

UNITED STATES DISTRICT JUDGE