

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PRECEDENTIAL VALUE	nonprecedential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)

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