

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

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 of Am.*, 350 F. App'x 278, 279 (10th Cir. 2009) (unpublished) (citing *White v. Colo.*, 157 F.3d 1226, 1232–35 (10th Cir. 1998)); see also *Kinnell v. Graves*, 265 F.3d 1125, 1128 (10th Cir. 2001) (finding that the court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