

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Dizzy Dean Wells, Jr. v. Lt. Blaatz, Nurse Tyson, and John Does

Wells · No. 26-cv-0937-bhl · Decided May 29, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied prisoner-plaintiff Dizzy Dean Wells, Jr.’s motion to proceed in forma pauperis under the Prison Litigation Reform Act’s three-strikes provision. The court found that Wells had accumulated at least four qualifying dismissals and had not alleged an imminent danger of serious physical injury, giving him until June 18, 2026, to pay the filing fee or face dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	Brett H. Ludwig
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	May 29, 2026
DOCKET	26-cv-0937-bhl
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed a 42 U.S.C. § 1983 complaint and moved to proceed in forma pauperis. The court denied the motion under the Prison Litigation Reform Act's three-strikes provision because Wells had at least four qualifying dismissals and failed to show imminent danger of serious physical injury.
STANDARD OF REVIEW	The court applied the statutory requirements of 28 U.S.C. § 1915(g) to determine whether Wells had three or more qualifying strikes and whether his allegations established imminent danger of serious physical injury.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court decision; precedential status unknown.
PARTIES	Dizzy Dean Wells, Jr. v. Lt. Blaatz, Nurse Tyson, John Does

TOPICS

prisoners rights

civil rights

section 1983

civil procedure

PRACTICE AREAS

Prisoner civil rights

Federal civil procedure

In forma pauperis litigation

QUESTIONS PRESENTED

1. Whether Wells was barred from proceeding in forma pauperis under the PLRA three-strikes provision, 28 U.S.C. § 1915(g).
2. Whether Wells's allegations of chronic back and leg pain arising from a completed incident nearly three years earlier established an imminent danger of serious physical injury.

HOLDINGS

1. Because Wells had at least three prior federal actions dismissed for failure to state a claim, he was barred from proceeding in forma pauperis unless he satisfied the imminent-danger exception.
2. Wells's allegations did not establish imminent danger because they concerned a completed act of harm from years earlier and chronic pain that was not shown to pose a current, real, and proximate threat of serious physical injury.

KEY QUOTATIONS

“The ‘imminent danger’ exception to §1915(g)’s ‘three strikes’ rule is available ‘for genuine emergencies,’ where ‘time is pressing’ and ‘a threat . . . is real and proximate.’”

FACTUAL BACKGROUND

Wells is a state prisoner proceeding without counsel. He alleged that defendants were deliberately indifferent to his back and leg pain when they forcibly placed him in a wheelchair and cut off his clothing during a staff-assisted strip search on July 5, 2023. He alleged chronic pain that worsened after the incident, but the alleged harm occurred nearly three years before he filed this action.

PROCEDURAL HISTORY

Wells filed this action alleging deliberate indifference relating to back and leg pain and a forcible wheelchair placement and strip search. He identified four prior federal lawsuits, but court records showed at least four qualifying strikes under 28 U.S.C. § 1915(g). The court denied in forma pauperis status and ordered Wells either to pay the \$405 filing fee by June 18, 2026 or face dismissal without prejudice.

DISPOSITION

other

REMAND INSTRUCTIONS

Wells must arrange to pay the \$405 filing fee by June 18, 2026. If the fee is received, the court will screen the complaint under 28 U.S.C. § 1915A. If the fee is not received, the action will be dismissed without prejudice, and Wells will be required to pay the \$350 statutory filing fee over time under 28 U.S.C. § 1915(b)(1).

CASES CITED

- Evans v. Illinois Department of Corrections, 150 F.3d 810, 811 (7th Cir. 1998)
- Abdul-Wadood v. Nathan, 91 F.3d 1023, 1025 (7th Cir. 1996)
- Heimermann v. Litscher, 337 F.3d 781, 782 (7th Cir. 2003)
- Lewis v. Sullivan, 279 F.3d 526, 531 (7th Cir. 2002)
- Ciarpaglini v. Saini, 352 F.3d 328, 330 (7th Cir. 2003)
- Piper v. Ghosh, No. 10-cv-5806, 2011 WL 494283, at *1 (N.D. Ill. 2011)

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