

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Maurice L. Miles, Jr. v. (FNU) Hall, et al.

Miles v. Hall · No. 26-3007-JWL · Decided January 13, 2026

SUMMARY

The United States District Court for the District of Kansas denied Maurice L. Miles, Jr.’s motion to proceed in forma pauperis in his 42 U.S.C. § 1983 action alleging that correctional officers failed to protect him from inmate assaults. The court held that Miles had three qualifying strikes under 28 U.S.C. § 1915(g) and had not shown imminent danger of serious physical injury, giving him until February 13, 2026, to pay the \$405 filing fee.

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	January 13, 2026
DOCKET	26-3007-JWL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se 42 U.S.C. § 1983 action and moved for leave to proceed in forma pauperis. The district court determined that Plaintiff had accumulated at least three qualifying strikes under 28 U.S.C. § 1915(g), denied in forma pauperis status, and granted him until February 13, 2026, to pay the \$405 filing fee.
STANDARD OF REVIEW	Statutory screening under 28 U.S.C. § 1915(g); the prisoner bears the burden of making specific, credible allegations of imminent danger of serious physical injury.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Maurice L. Miles, Jr. v. (FNU) Hall, et al.

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff, having accumulated at least three qualifying strikes under 28 U.S.C. § 1915(g), alleged a specific and credible threat of imminent danger of serious physical injury sufficient to proceed in forma pauperis.
2. Whether Plaintiff should be permitted to proceed by paying the full district court filing fee by a specified deadline after denial of in forma pauperis status.

HOLDINGS

1. A prisoner with at least three qualifying strikes may proceed in forma pauperis only upon specific, credible allegations of imminent danger of serious physical injury; allegations concerning assaults that occurred in the past, without a showing of an ongoing or imminent threat, do not satisfy the exception.
2. After denial of in forma pauperis status, Plaintiff was required to pay the full \$405 district court filing fee by February 13, 2026; failure to do so would result in dismissal without prejudice and without further prior notice.

FACTUAL BACKGROUND

Plaintiff, an incarcerated person at Larned State Correctional Facility, alleged that another inmate assaulted him three times in one day around May 13, 2025, with the third assault involving a stabbing and beating that rendered him unconscious. He alleged that officers failed to protect him and sought damages and the officers' termination. The complaint did not allege an ongoing or imminent threat at the time of filing.

PROCEDURAL HISTORY

Miles filed a civil rights complaint alleging that officers failed to protect him from assaults by another inmate occurring around May 13, 2025. He moved to proceed in forma pauperis. The district court denied the motion under the three-strikes provision because the complaint alleged only past harm and did not establish imminent danger of serious physical injury; the court allowed additional time to pay the filing fee and warned that failure to pay would result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Miles v. McClay, Case No. 16-3166-SAC-DJW, Doc. 14 (D. Kan. Mar. 31, 2017)
- Miles v. Conrad, Case No. 16-3181-SAC-DJW, Doc. 6 (D. Kan. Mar. 31, 2017)
- Miles v. Sayeed, Case No. 19-3031-SAC, Doc. 11 (D. Kan. Oct. 8, 2019)
- Davis v. GEO Group Corr., 696 F. App'x 851, 854 (10th Cir. 2017) (unpublished)
- Hafed v. Fed. Bureau of Prisons, 635 F.3d 1172, 1179 (10th Cir. 2011)

- *Lynn v. Roberts*, No. 11-3073-JAR, 2011 WL 3667171, at *2 (D. Kan. Aug. 22, 2011)

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