

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON**

Ryan Scott Adams v. Mabury, et al.

Adams · No. C25-1422JLR · Decided November 24, 2025

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE 9 10 RYAN SCOTT ADAMS, CASE NO. C25-1422JLR 11 Plaintiff, ORDER v.
12 MABURY, et al., 13 Defendants. 14 15 On September 26, 2025, United States Magistrate
Judge David W. Christel issued 16 a report and recommendation in which he recommended that
the court deny Plaintiff 17 Ryan Scott Adams’s motion for leave to proceed in forma pauperis
(“IFP”) because Mr. 18 Adams had accumulated three strikes under the Prison Litigation Reform
Act’s 19 (“PLRA”) three-strikes rule.

(R&R (Dkt. # 8) (citing 28 U.S.C. § 1915(g)).) Mr. Adams 20 did not file objections to the report
and recommendation before the October 10, 2025 21 deadline to do so expired. (See generally
Dkt.; see R&R at 4 (instructing Mr. Adams to 22 file objections no later than 14 days after the
issuance of the report and 1 recommendation).)

On October 15, 2025, the court adopted the report and 2 recommendation, denied Mr. Adams’s
motion to proceed IFP, and instructed Mr. Adams 3 to pay the filing fee by no later than November
14, 2025. (10/15/25 Order (Dkt. # 9) 4 (directing Mr. Adams to pay the filing fee within 30 days).)

On November 10, 2025, 5 rather than pay the filing fee, Mr. Adams filed untimely objections to
the report and 6 recommendation. (Obj. (Dkt. # 10).) He asserts that he is no longer subject to the
7 PLRA’s three-strikes rule because his most recent “strikeable” case was dismissed over 8 365
days ago. (Id. at 3-4.) 9 The PLRA prohibits prisoner litigants from proceeding IFP “if the
prisoner has, on 10 3 or more prior occasions... brought an action or appeal in a court of the
United States 11 that was dismissed on the grounds that it is frivolous, malicious, or fails to state a
claim 12 unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. 13 §
1915(g). “[O]nce a prisoner has been placed on notice of the potential disqualification 14 under §
1915(g) by either the district court or the defendant, the prisoner bears the 15 ultimate burden of
persuading the court that § 1915(g) does not preclude IFP status.” 16 *Andrews v. King*, 398 F.3d
1113, 1120 (9th Cir.

2005). 17 Here, Mr. Adams raises two challenges to the report and recommendation’s list of 18 §
1915(g) strikes.¹ First, Mr. Adams points out that the list includes a case with a 19 purported
dismissal date that had not yet elapsed when the report and recommendation 20 was filed on

September 29, 2025. (Id. at 2; see R&R at 4 (including “Adams v. Jackson 21 1 He does not make any allegations in his complaint that he is under imminent danger of 22 serious physical injury.

(See generally Prop. Compl. (Dkt. # 1-1).) 1 et al., No. 4:24-cv-05041-SAB, Dkts. 19, 20 (E.D. Wash. Oct. 3, 2025)” in the list of 2 strikes).) Upon review of the Adams v. Jackson docket, however, it is clear that the date 3 listed in the report and recommendation was an error and that the dismissal order and 4 judgment were properly issued on October 3, 2024.

See Adams v. Jackson, No. 5 4:24-cv-05041-SAB (E.D. Wash. Oct. 3, 2024), Dkt. ## 19, 20. Furthermore, contrary to 6 Mr. Adams’s assertion, § 1915(g) does not require the three strikes to have occurred 7 within the past year to bar a prisoner litigant from proceeding IFP. See 28 U.S.C. 8 § 1915(g) (including no temporal limit on strikes). 9 Second, Mr. Adams argues that Adams v. Jackson does not count as a strike 10 because the Ninth Circuit “reversed the dismissal” on October 23, 2025.

(Obj. at 15.) 11 The Ninth Circuit, however, did no such thing. Instead, on October 23, 2025, the Ninth 12 Circuit granted Mr. Adams leave to proceed IFP after finding that the “appeal involves at 13 least one non-frivolous issue.” Order, Adams v. Jackson, No. 4:24-cv-05041-SAB (E.D. 14 Wash. Oct 23, 2025), Dkt. # 28. Furthermore, the Supreme Court has made clear that 15 “[a] prior dismissal on a statutorily enumerated ground counts as a strike even if the 16 dismissal is the subject of an appeal.” Coleman v. Tollefson, 575 U.S. 532, 537 (2015).

17 The Court explained that the “statute literally says” that “the ‘three strikes’ provision 18 applies where a prisoner ‘has, on 3 or more prior occasions... brought an action or 19 appeal... that was dismissed on’ certain grounds.” Id. (quoting 28 U.S.C. § 1915(g) 20 (emphasis in Coleman)).

As a result, “a prisoner who has accumulated three prior 21 qualifying dismissals under § 1915(g) may not file an additional suit in forma pauperis 22 while his appeal of one such dismissal is pending.” Id. at 541. Accordingly, the Eastern 1 District of Washington’s dismissal of Adams v. Jackson remains a § 1915(g) strike 2 because Mr. Adams’s appeal of that dismissal is still pending.

3 In sum, and for the foregoing reasons, the court **OVERRULES** Mr. Adams’s 4 objections (Dkt. # 10) and **ORDERS** him to pay the \$405.00 filing fee by no later than 5 December 24, 2025. The Clerk is **DIRECTED** to terminate this case if the filing fee is 6 not paid on or before the required deadline. 7 Dated this 24th day of November, 2025. 8 A 9 10 JAMES L. ROBART United States District Judge 11 12 13 14 15 16 17 18 19 20 21 22