

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
ARKANSAS, DELTA DIVISION

Nicholas Addison v. Norton Albert, et al.

Addison · No. 2:25-cv-00254-BSM-ERE · Decided February 3, 2026

SUMMARY

The United States Magistrate Judge recommends dismissal without prejudice of Nicholas Addison’s 42 U.S.C. § 1983 action against Norton Albert and others. The recommendation concludes that Addison, a three-strikes litigant under 28 U.S.C. § 1915(g), failed to establish imminent danger, pay the filing fee after being ordered to do so, or prosecute the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of Arkansas, Delta Division
JURISDICTION	United States District Court for the Eastern District of Arkansas, Delta Division
DECIDED	February 3, 2026
DOCKET	2:25-cv-00254-BSM-ERE
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner filed a 42 U.S.C. § 1983 action and sought to proceed without prepaying the filing fee. The magistrate judge issued a recommended disposition after the plaintiff failed to pay the filing fee within the time ordered by the court.
PRECEDENTIAL VALUE	unpublished recommended disposition
PARTIES	Nicholas Addison v. Norton Albert, et al.

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure
- in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether a prisoner subject to 28 U.S.C. § 1915(g)'s three-strikes provision could proceed without prepaying the filing fee absent allegations showing imminent danger of serious physical injury.
2. Whether the action should be dismissed without prejudice for failure to comply with the order requiring payment of the filing fee and for failure to prosecute.

HOLDINGS

1. A prisoner subject to 28 U.S.C. § 1915(g) may proceed without prepaying the filing fee only if the complaint alleges that the prisoner is in imminent danger of serious physical injury; Addison's allegations did not satisfy that requirement.
2. The action should be dismissed without prejudice because Addison failed to comply with the order requiring payment of the filing fee and failed to prosecute the case.

KEY QUOTATIONS

“Mr. Addison’s claims be DISMISSED, without prejudice, based on his failure to: (1) comply with the Court’s December 17, 2025 Order requiring him to pay the filing fee; and (2) prosecute this lawsuit.”

FACTUAL BACKGROUND

Nicholas Addison, an Arkansas Division of Correction inmate, filed a pro se § 1983 action alleging that he had been falsely disciplined in violation of the Eighth and Fourteenth Amendments. The court treated him as a three-striker based on three prior dismissals and concluded that his allegations did not establish that he was in imminent danger of serious physical injury. Addison did not pay the statutory filing fee after being given thirty days to do so.

PROCEDURAL HISTORY

Addison filed the action on December 16, 2025, alleging false discipline in violation of the Eighth and Fourteenth Amendments. The court determined that, as a three-striker under 28 U.S.C. § 1915(g), he had not alleged facts showing imminent danger of serious physical injury and ordered him to pay the statutory filing fee within thirty days. After Addison failed to pay by the deadline, the magistrate judge recommended dismissal without prejudice and closure of the case, subject to objections and review by District Judge Brian S. Miller.

DISPOSITION

other

CASES CITED

- Ashley v. Dilworth, 147 F.3d 715, 717 (8th Cir. 1998)
- Addison v. Martin, et al., E.D. Ark. Case No. 3:15-cv-1-JM
- Addison v. Martin, et al., E.D. Ark. Case No. 3:15-cv-91-DPM
- Addisson v. Martin, et al., E.D. Ark. Case No. 3:15-cv-96-DPM

OPINION

Addison

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS

DELTA DIVISION

NICHOLAS ADDISON PLAINTIFF

ADC #162451

V. NO. 2:25-cv-00254-BSM-ERE NORTON ALBERT, et al. DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedures for Filing Objections This Recommended Disposition (“RD”) has been sent to United States District Judge Brian S. Miller. You may file written objections to all or part of this RD. Any objections filed must: (1) specifically explain the factual and/or legal basis for the objection; and (2) be received by the Clerk of this Court within fourteen (14) days of the date of this RD. If you do not object, you risk waiving the right to appeal questions of fact. II. Discussion On December 16, 2025, pro se plaintiff Nicholas Addison, an Arkansas Division of Correction (“ADC”) inmate, filed this 42 U.S.C. § 1983 case. Doc. 1. Because Mr. Addison is a “three-striker,”¹ he can only proceed with this case without 1 The following dismissals constitute “strikes” for purposes of 28 U.S.C. § 1915(g): Addison v. Martin, et al., E.D. Ark. Case No. 3:15-cv-1-JM (Feb. 2, 2015 dismissal for failure to state a claim); Addison v. Martin, et al., E.D. Ark. Case No. 3:15-cv-91-DPM paying the filing fee only if he is currently in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g); Ashley v. Dilworth, 147 F.3d 715, 717 (8th Cir. 1998). Mr. Addison’s complaint alleges that he was falsely disciplined in violation of his Eighth and Fourteenth Amendment rights. I previously determined that the facts alleged are not sufficient to show that he is imminent danger of serious physical injury, and I provided Mr. Addison thirty days to pay the statutory filing fee. Doc. 2. To date, Mr. Addison has not paid the statutory filing fee, and the deadline to do so has passed. Doc. 2. II. Conclusion IT IS THEREFORE RECOMMENDED THAT:

1. Mr. Addison’s claims be DISMISSED, without prejudice, based on his failure to: (1) comply with the Court’s December 17, 2025 Order requiring him to pay the filing fee; and (2) prosecute this lawsuit.

2. The Clerk be instructed to close this case.

Dated 3 February 2026. lj Mf | □

ED STATES MAGISTRATE JUDGE

(June 19, 2015 dismissal for same); Addison v. Martin, et al., E.D. Ark. Case No. 3:15-cv-96-DPM (June 12, 2015 dismissal for same).

