

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Patrick Nicholas v. Pennsylvania D.O.C., et al.

Nicholas · No. 1:25-CV-01601 · Decided December 29, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania denied Patrick Nicholas’s application to proceed in forma pauperis under the Prison Litigation Reform Act’s three-strikes provision, 28 U.S.C. § 1915(g). The court found that Nicholas had accumulated three qualifying strikes and had not shown that he was in imminent danger of serious physical injury. He was granted thirty days to pay the filing fee, subject to dismissal if he failed to do so.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Jennifer P. Wilson
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	December 29, 2025
DOCKET	1:25-CV-01601
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Plaintiff’s application to proceed in forma pauperis in a prisoner civil-rights action after the action was transferred from the Eastern District of Pennsylvania.
STANDARD OF REVIEW	The court evaluated the application under 28 U.S.C. § 1915(g), including whether Plaintiff had accumulated three qualifying strikes and whether he satisfied the imminent-danger exception at the time the complaint was filed.
PRECEDENTIAL VALUE	Unknown
PARTIES	Patrick Nicholas v. Pennsylvania D.O.C., et al.

TOPICS

- prisoners rights
- civil procedure
- civil rights
- subject matter jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff had accumulated three qualifying strikes under 28 U.S.C. § 1915(g).
2. Whether Plaintiff qualified for the imminent-danger exception to the Prison Litigation Reform Act's three-strikes rule.
3. Whether Plaintiff's in forma pauperis application should be denied and whether he should be required to pay the filing fee before proceeding.

HOLDINGS

1. Plaintiff had accumulated three qualifying strikes because three prior civil actions had been dismissed with prejudice for failure to state a claim.
2. Plaintiff did not establish that he was in imminent danger of serious physical injury when he filed the complaint.
3. Plaintiff's application to proceed in forma pauperis was denied, but he was permitted thirty days to pay the requisite filing fee; failure to pay would result in dismissal of the complaint.

KEY QUOTATIONS

“Prisoners with three strikes who cannot satisfy the imminent danger exception are not barred from filing additional federal actions, rather they are denied the privilege of proceeding in forma pauperis and must pay the requisite filing fee in full prior to commencing a new action.” (Discussion)

“Plaintiff's application to proceed in forma pauperis will be denied. Plaintiff will be granted thirty days to pay the requisite filing fee.” (Conclusion)

FACTUAL BACKGROUND

Patrick Nicholas filed a federal action and sought leave to proceed in forma pauperis. The court found that he had previously brought three civil actions dismissed as frivolous, malicious, or for failure to state a claim. Nicholas disputed that he had accumulated three strikes and asserted that he had not filed one of the prior cases, but the court found that the inmate number in that case matched the inmate number in the present action and that his submission did not rebut the strikes or establish imminent danger of serious physical injury.

PROCEDURAL HISTORY

Plaintiff lodged a complaint in the Eastern District of Pennsylvania in August 2025. That court transferred the action to the Middle District of Pennsylvania on August 26, 2025, after determining that the relevant acts or omissions occurred there. Plaintiff then filed an application to proceed in forma pauperis and a certified prisoner trust-fund statement. After issuing an order to show cause concerning three prior qualifying dismissals, the court denied in forma pauperis status and allowed thirty days to pay the filing fee.

DISPOSITION

other

CASES CITED

- Ball v. Famiglio, 726 F.3d 448, 467 (3d Cir. 2013)
- Coleman v. Tollefson, 575 U.S. 532 (2015)
- Abdul-Akbar v. McKelvie, 239 F.3d 307, 312 (3d Cir. 2001) (en banc)
- Abdul-Akbar v. McKelvie, 239 F.3d 307, 314 (3d Cir. 2001) (en banc)
- Gibbs v. Ryan, 160 F.3d 160, 162 (3d Cir. 1998)
- Gibbs v. Cross, 160 F.3d 962, 966-67 (3d Cir. 1998)
- Nicholas v. Philadelphia County Prison, No. 2:16-CV-00641-LS, Docs. 18, 19 (E.D. Pa. Mar. 1, 2017)
- Nicholas v. Bumgarner, No. 1:23-CV-00014-BAH, Docs. 36, 37 (D. Md. Nov. 26, 2024)
- Nicholas v. Giola, No. 1:24-CV-01769-JPW-EW, Docs. 29, 30 (M.D. Pa. June 10, 2025)

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