

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Chris Jacobs v. The Press

Jacobs · No. 26-cv-90-jdp · Decided February 10, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin denied Chris Jacobs leave to proceed in forma pauperis under 28 U.S.C. § 1915(g), finding that he had accumulated at least three qualifying dismissals and had not alleged imminent danger of serious physical injury. The court also concluded that the complaint was deficient because it did not establish diversity jurisdiction and the defamation claims appeared barred by Wisconsin's statute of limitations. The case was dismissed and the clerk was directed to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	February 10, 2026
DOCKET	26-cv-90-jdp
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se incarcerated plaintiff sought leave to proceed in forma pauperis in a defamation action. The district court denied in forma pauperis status under the Prison Litigation Reform Act's three-strikes provision and dismissed the case.
STANDARD OF REVIEW	The court screened the complaint and applied the statutory requirements for proceeding in forma pauperis under 28 U.S.C. § 1915(g).
PRECEDENTIAL VALUE	Unpublished federal district court opinion; precedential status unknown

TOPICS

- defamation
- civil procedure
- motions to dismiss
- subject matter jurisdiction
- statute of limitations

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Jacobs, having accumulated at least three qualifying prior dismissals, could proceed in forma pauperis under 28 U.S.C. § 1915(g).
2. Whether Jacobs's allegations established that he was under imminent danger of serious physical injury.
3. Whether the complaint could proceed despite uncertainty concerning diversity of citizenship and the applicable statute of limitations.
4. Whether dismissal without an opportunity to amend was appropriate.

HOLDINGS

1. A prisoner with at least three prior actions or appeals dismissed as frivolous, malicious, or for failure to state a claim may not proceed in forma pauperis unless the complaint shows that the prisoner was under imminent danger of serious physical injury when the action was filed. Jacobs had at least three qualifying strikes and therefore was barred from proceeding in forma pauperis.
2. The imminent-danger exception requires an allegation of a physical injury that is imminent or occurring when the complaint is filed and a showing that the threat or condition causing the injury is real and proximate. Defamation allegations alone do not satisfy that standard.
3. Even if Jacobs could proceed in forma pauperis, dismissal was appropriate because the complaint did not clearly establish diversity of citizenship and the alleged defamation, occurring before the 1998 conviction, was outside Wisconsin's two-year limitations period for intentional torts.
4. Although courts generally caution against dismissing an unrepresented plaintiff's case without an opportunity to amend, no amendment opportunity was required because the complaint could not plausibly state a timely claim for relief.

KEY QUOTATIONS

“To meet the imminent-danger requirement of 28 U.S.C. § 1915(g), a prisoner must allege a physical injury that is imminent or occurring at the time the complaint is filed and show that the threat or prison condition causing the physical injury is “real and proximate.””

“Therefore he is barred from proceeding in forma pauperis on his claims.”

FACTUAL BACKGROUND

Chris Jacobs, an incarcerated person at Columbia Correctional Institution, sued two Wausau television stations, the Associated Press, and other unidentified media outlets referred to collectively as “The Press.” He alleged that defendants defamed him, leading to his 1998 conviction for kidnapping and false imprisonment. His allegations concerned reputational harm rather than an imminent or ongoing threat of serious physical injury.

PROCEDURAL HISTORY

Jacobs filed a civil action alleging that media defendants defamed him and contributed to his 1998 conviction for kidnapping and false imprisonment. Because he did not pay the filing fee, the court construed the filing as seeking in forma pauperis status. The court found that Jacobs had at least three qualifying prior dismissals, that his allegations did not establish imminent danger of serious physical injury, and that the complaint would also be subject to dismissal for jurisdictional and limitations defects.

DISPOSITION

dismissed

CASES CITED

- Jacobs v. Gerber, 403 F. App'x 67, 70 (7th Cir. 2010)
- Ciarpaglini v. Saini, 352 F.3d 328, 330 (7th Cir. 2003)
- Heimermann v. Litscher, 337 F.3d 781 (7th Cir. 2003)
- Lewis v. Sullivan, 279 F.3d 526, 529 (7th Cir. 2002)
- Felton v. City of Chicago, 827 F.3d 632, 636 (7th Cir. 2016)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN CHRIS JACOBS, Plaintiff, OPINION and ORDER v. 26-cv-90-jdp THE PRESS, Defendants. Plaintiff Chris Jacobs, proceeding without counsel, is incarcerated at Columbia Correctional Institution. Jacobs brings this lawsuit against “The Press” (two Wausau television stations, the Associated Press, and other unidentified media outlets) for defaming him, leading to his 1998 conviction for kidnapping and false imprisonment.

Jacobs has not submitted the \$405 filing fee, so I infer that he seeks leave to proceed without full prepayment of the filing fee under 28 U.S.C. § 1915, also known as “in forma pauperis” status. But Jacobs has “struck out” under 28 U.S.C. § 1915(g). That provision reads as follows: In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

On at least three prior occasions, Jacobs has brought actions or appeals that were dismissed because they were frivolous or malicious or they failed to state a claim upon which relief may be granted. See Jacobs v. Gerber, 403 F. App'x 67, 70 (7th Cir. 2010) (discussing Jacobs’s strikes).

Therefore, he cannot proceed without prepayment of the entire filing fee unless I conclude that his allegations show that he is in imminent danger of serious physical injury. To meet the imminent-danger requirement of 28 U.S.C. § 1915(g), a prisoner must allege a physical injury that is

imminent or occurring at the time the complaint is filed and show that the threat or prison condition causing the physical injury is “real and proximate.” *Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir.

2003) (citing *Heimermann v. Litscher*, 337 F.3d 781 (7th Cir. 2003); *Lewis v. Sullivan*, 279 F.3d 526, 529 (7th Cir. 2002)). Jacobs’s defamation allegations don’t meet the imminent-danger standard. Therefore he is barred from proceeding in forma pauperis on his claims. Even if Jacobs wasn’t barred from proceeding in forma pauperis, I would dismiss the complaint for other reasons.

Defamation is a state-law claim, and Jacobs’s vague statements about the identities of the defendants in this case make it unclear whether he and each defendant are citizens of different states, which is necessary for this court to invoke this court’s diversity jurisdiction. He also alleges that the defamation occurred before his 1998 conviction, far too long ago to meet the statute of limitations for his claims.

See Wis. Stat. § 893.57 (1997– 98) (two-year statute of limitations for intentional torts). The Court of Appeals for the Seventh Circuit has cautioned against dismissing an unrepresented plaintiff’s case without giving them a chance to amend the complaint. *Felton v. City of Chicago*, 827 F.3d 632, 636 (7th Cir. 2016). But in this case, dismissal of this lawsuit is appropriate because there isn’t any reason to think that Jacobs could amend his complaint to state a claim for relief within the statute of limitations.

ORDER IT IS ORDERED that: 1. Plaintiff Chris Jacobs is DENIED leave to proceed in forma pauperis under 28 U.S.C. § 1915(g). 2. This case is DISMISSED. 3. The clerk of court is directed to enter judgment accordingly and close this case. Entered February 10, 2026. BY THE COURT:
/s/ _____ JAMES D. PETERSON District Judge