

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PRECEDENTIAL VALUE	Unpublished federal district court opinion; precedential status unknown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)