

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, NORTHERN DIVISION**

Craig S. Robledo-Valdez v. Burl Cain, et al.

Robledo-Valdez · No. 3:25-cv-128-HTW-LGI · Decided April 29, 2026

OPINION

Robledo-Valdez

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CRAIG S. ROBLEDO-VALDEZ PLAINTIFF

V. CIVIL ACTION NO. 3:25-cv-128-HTW-LGI

BURL CAIN, ET AL. DEFENDANTS

ORDER DENYING PLAINTIFF’S MOTIONS FOR REIMBURSEMENT [23],[31]

AND MOTION TO STAY PROCEEDINGS [27]

BEFORE THE COURT are pro se Plaintiff Craig S. Robledo-Valdez’s Motions

[23],[27],[31] filed in this closed civil action. For the reasons below, Plaintiff’s motions are

denied. On February 20, 2025, pro se plaintiff Craig S. Robledo-Valdez (“Plaintiff”) filed this

lawsuit asserting complaints about the conditions-of-his-confinement at the Walnut Grove
Correctional Facility in Walnut Grove, Mississippi.¹ Rather than pay the filing fee, Plaintiff

moved for leave to proceed in forma pauperis (“IFP”). See Mot. [2]. On April 29, 2025, the Court
entered an Order Denying In Forma Pauperis Status and Dismissing Case [11] along with a Final

Judgment [12]. The Court determined Plaintiff had four qualifying dismissals or “strikes” under
the Prison Litigation Reform Act,² and he failed to meet the singular, narrow statutory exception.

Order [11] at 2 (citing Robledo-Valdez v. West, No. 1:14-cv-818 (D. Colo. Apr. 18, 2014)
(dismissed as frivolous and malicious), aff’d, 593 F. App’x 1 Plaintiff is a post-conviction inmate

of the Colorado Department of Corrections, and he was incarcerated with the Mississippi
Department of Corrections when he filed this civil action. Plaintiff’s Mississippi inmate number is

251129 and Plaintiff’s Colorado inmate number is 145545. See Pl.’s Resp. [10] at 1; Compl. [1] at

2. Plaintiff has since been moved to a prison in Arizona. See Pl.’s Change of Address [26]. ² The

Prison Litigation Reform Act (“PLRA”) provides that a prisoner’s privilege to proceed IFP will be
denied if he has, on three prior occasions during detention, had an action or appeal dismissed as

frivolous, malicious, or for failing to state a claim. 28 U.S.C. § 1915 (g). This section of the
PLRA, § 1915 (g), is known as “the three-strikes rule.” Lomax v. Ortiz-Marquez, 140 S. Ct. 1721,

1723 (2020) (citing Jones v. Bock, 549 U.S. 199, 203 (2007)). 778, 781 (10th Cir. 2014)

(concluding appeal is frivolous); *Robledo v. West*, No. 1:13-cv-1577 (D. Colo. Jan. 21, 2014) (dismissed as frivolous); *Robledo-Valdez v. Smelser*, 593 F. App'x 771, 775 (10th Cir. 2014) (concluding appeal is frivolous)). The Order [11] further found, Plaintiff was made aware of his strike status as early as 2016, see *Robledo v. Lakewood Police Dep't*, No. 1:16-cv-2995 (D. Colo. Feb. 28, 2017), but Plaintiff disclosed only one prior case in his Complaint [1]. When this Court entered an Order [7] directing Plaintiff to state if he filed other cases, Plaintiff could only recall three others. See Pl.'s Resp. [10]; Order [7]. Curiously, none of the cases Plaintiff could recall were strikes under § 1915(g). Order [11] at 2. On April 29, 2025, the Court entered a Final Judgment [12] dismissing this case without prejudice. On May 5, 2025, the Court receipted payment of the filing fee submitted by a third party and not from Plaintiff's prison account. On June 25, 2025, Plaintiff moved the Court to "reinstate" this case and grant him the opportunity to pay the filing fee, asserting for the first time that he "has the funds with which to pay the \$405 fee to this Court" but the funds are "controlled" by family members "outside of prison." Mot. [15] at 1. On this same date, Plaintiff also sought reconsideration of the Court's dismissal Order. Mot. [16]. The Court entered an Order [21] denying both Motions finding, in part, that Plaintiff's new assertions pertaining to his ability to pay the fee means he was untruthful in his two IFP applications. Order [21] at 5, 7. The Court explained that when a court determines the contents of an IFP application are false, dismissal of the case is mandatory at that time even if that time accrues after the litigant has paid the filing fee. *Id.* at 5 (citing *Nottingham v. Warden, Bill Clements Unit*, 837 F.3d 438, 441 (5th Cir. 2016) ("Dismissal is mandatory if the court determines 'at any time,' even after the plaintiff pays the filing fee, that the contents of an IFP application are false.")). The Order further found that "Plaintiff was dishonest about his strike-status when he sought permission to proceed IFP in this case. The Court discovered Plaintiff's dishonesty and rightfully dismissed this case." *Id.* at 6. Plaintiff filed two Motions [23],[31] seeking reimbursement of the filing fee paid in this civil action. Plaintiff incorrectly asserts that this Court should not have accepted payment of the filing fee after this civil action was closed. The filing fee is due at the time of filing a civil action and moving for IFP or even being granted IFP status does not excuse a prisoner's obligation to pay the full fee. See, e.g., *Hatchet v. Nettles*, 201 F. 3d 651, 654 (5th Cir. 2000) (holding prisoner is "obligated to pay the full filing fee upon the filing of a complaint"). This requirement was "designed to deter frivolous prisoner litigation" through liability for filing fees. *Williams v. Roberts*, 116 F.3d 1126, 1127–28 (5th Cir. 1997). And dismissal of a case or even release from prison does not absolve the prisoner-plaintiff of this debt. *Hatchet*, 201 F. 3d at 654 (holding relief from an order directing a prisoner to pay the filling fee is simply not available); *Gay v. Texas Dep't of Corr. State Jail Div.*, 117 F.3d 240, 241 (5th Cir. 1997) (finding prisoner-plaintiff remains "subject to the filing-fee requirements of the PLRA despite [his] subsequent release from prison"). For these reasons, Plaintiff's Motions [23],[31] for reimbursement of the filing fee are denied. Next, on December 9, 2025, Plaintiff moved the Court to stay the proceedings for this case and three other cases filed in this Court until December 26,

2025, because he was transferred to a prison in Arizona and is awaiting arrival of his property and legal work. Mot.

[27]. This motion is denied as moot because this case is closed, and furthermore no proceedings were conducted in this case during December of 2025. IT IS HERERBY ORDERED that Plaintiff's Motions [23],[31] for reimbursement of the filing fee and Motion [27] to stay this closed case are DENIED. SO ORDERED AND ADJUDGED, this the day of April, 2026.

/s/HENRY T. WINGATE

UNITED STATES DISTRICT JUDGE