

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Poff v. Scullion

Poff · No. 25-cv-49-pp; Appeal No. 25-3098 · Decided February 5, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denied Jeff Poff’s motion to appeal without prepaying the appellate filing fee under the Prison Litigation Reform Act. The court found that Poff had accumulated three qualifying strikes, had not alleged imminent danger of serious physical injury, and ordered him to pay the \$605 appellate filing fee by February 19, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	February 5, 2026
DOCKET	25-cv-49-pp; Appeal No. 25-3098
DISPOSITION	other
PROCEDURAL POSTURE	After the district court dismissed the plaintiff's civil case, the plaintiff appealed and moved for leave to proceed on appeal without prepaying the appellate filing fee. The district court denied the motion under the Prison Litigation Reform Act's three-strikes provision and ordered payment of the full appellate filing fee.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Jeff Poff v. Matthew Scullion, et al.

TOPICS

- appellate procedure
- prisoners rights
- civil procedure
- civil rights

PRACTICE AREAS

- civil procedure
- appellate procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the incarcerated plaintiff could proceed on appeal without prepaying the filing fee despite having three qualifying strikes under 28 U.S.C. § 1915(g).

2. Whether the imminent-danger exception to the three-strikes provision applied.

HOLDINGS

1. The plaintiff was barred from proceeding on appeal without prepaying the filing fee because he had accumulated three qualifying strikes under 28 U.S.C. § 1915(g).
2. The imminent-danger exception did not apply because the plaintiff alleged no facts showing that he was in imminent danger of serious physical injury.
3. The plaintiff incurred the appellate filing fee by filing the notice of appeal, and the full \$605 fee was due within fourteen days of the order.

KEY QUOTATIONS

“The plaintiff has not alleged that he is in imminent danger of serious physical injury, so he is not eligible for the “imminent danger of serious physical injury” exception to the “three strikes” provision under 28 U.S.C. §1915(g).”

“The court DENIES the plaintiff’s motion for leave to proceed on appeal without prepaying the filing fee.”

FACTUAL BACKGROUND

Jeff Poff is incarcerated and challenged events that occurred while he was confined at Wisconsin Secure Program Facility. After his amended complaint was dismissed, he sought to appeal without prepaying the appellate filing fee. Court records showed that he had three prior qualifying dismissals for failure to state a claim, and he alleged no facts indicating that he was in imminent danger of serious physical injury.

PROCEDURAL HISTORY

On October 20, 2025, the court dismissed the case and entered judgment. The plaintiff filed a notice of appeal on November 19, 2025, and then moved to proceed on appeal without prepaying the filing fee. The court determined that he had three qualifying strikes, had not alleged imminent danger of serious physical injury, and therefore denied in forma pauperis status for the appeal.

DISPOSITION

other

CASES CITED

- Newlin v. Helman, 123 F.3d 429, 433-34 (7th Cir. 1997)
- Walker v. O’Brien, 216 F.3d 626 (7th Cir. 2000)
- Lee v. Clinton, 209 F.3d 1025 (7th Cir. 2000)

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