

## UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse  
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## PLRA C.R. 3(b) FINAL ORDER

April 16, 2021

No. 21-1171	BRALEN LAMAR JORDAN, Plaintiff - Appellant  v.  UNITED STATES OF AMERICA, et al., Defendants - Appellees
<b>Originating Case Information:</b>	
District Court No: 3:20-cv-50514 Northern District of Illinois, Western Division District Judge Iain D. Johnston	

The pro se appellant was DENIED leave to proceed on appeal in forma pauperis by the district court on February 11, 2021. The pro se appellant has neither paid the \$505.00 appellate fees nor filed a motion for leave to proceed on appeal in forma pauperis in the Appellate Court, as prescribed in *Fed. R. App. P. 24(a)*. Accordingly,

**IT IS ORDERED** that this appeal is **DISMISSED** for failure to pay the required docketing fee pursuant to Circuit Rule 3(b).

**IT IS FURTHER ORDERED** that the appellant pay the appellate fee of \$505.00 to the clerk of the district court. The clerk of the district court shall collect the appellate fees from the prisoner's trust fund account using the mechanism of *Section 1915(b)*. *Newlin v. Helman*, 123 F.3d 429, 433 (7th Cir. 1997).

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

Bralen Lamar Jordan (22702-009),	)	
	)	
Plaintiff,	)	Case No. 20 C 50514
	)	
v.	)	Hon. Iain D. Johnston
	)	
United States of America, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This case is administratively closed as duplicative of *Jordan v. Federal Bureau of Prisons*, No. 3:20-cv-50456 (N.D. Ill.) (Johnston, J.). Because the Court is administratively closing this case, a filing fee will not be assessed under 28 U.S.C. § 1915(b) nor will a “strike” be assessed under 28 U.S.C. § 1915(g). Now that Plaintiff has been warned that duplicative lawsuits are impermissible, however, he will be required to pay the filing fee for future duplicative lawsuits and those suits may be dismissed as frivolous or malicious under 28 U.S.C. § 1915(g). *See Smith v. Gleason*, No. 12-cv-633-WMC, 2013 WL 6238488, at \*7 (W.D. Wis. Nov. 27, 2013) (“Repetitive allegations are considered malicious and are grounds for dismissal under the PLRA.”) (citing *Lindell v. McCallum*, 352 F.3d 1107, 1109-10 (7th Cir. 2003)). All pending motions are denied as moot.

**STATEMENT**

Plaintiff Bralen Jordan, a federal prisoner, initiated this lawsuit pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) and the Federal Tort Claims Act, 28 USC §§ 1346, 2671-2680. Plaintiff appears to be claiming that prison officials at his current facility, USP Thomson, have failed to treat his chronic medical conditions, eye problems, and torn muscle; used excessive force against him; and improperly held him in Thomson’s Special Management Unit. (See Dkt. 1.) Plaintiff’s complaint is far from a model of clarity. Nonetheless, it is apparent the claims Plaintiff asserts here are also the subject of *Jordan v. Federal Bureau of Prisons*, No. 3:20-cv-50456 (N.D. Ill.) (Johnston, J.), which remains pending. Because this case duplicates Plaintiff’s earlier filed case, the Court administratively closes this case without assessing a filing fee at this time. Plaintiff is warned that he may not continue to pursue the duplicative claims in this lawsuit. If Plaintiff makes future filings in this case (no. 3:20-cv-50514) the Court may assess the filing fee or consider other sanctions.

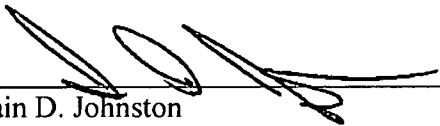
Plaintiff is further warned that “[r]epetitive allegations are considered malicious and are grounds for dismissal under the PLRA.” *Smith v. Gleason*, No. 12-cv-633-WMC, 2013 WL 6238488, at \*7 (W.D. Wis. Nov. 27, 2013) (citing *Lindell v. McCallum*, 352 F.3d 1107, 1109-10 (7th Cir. 2003)). Such actions may result in a “strike” under 28 U.S.C. § 1915(g). If Plaintiff files

any future duplicative lawsuits, he will be assessed a filing fee and the suit may be dismissed as frivolous or malicious pursuant to 28 U.S.C. § 1915(g). Moreover, although the conclusory nature of Plaintiff's allegations makes it difficult to determine the precise boundaries of his claims, it is likely most of the claims asserted here would be barred by the doctrine of res judicata. *See Allen v. McCurry*, 449 U.S. 90, 94 (1980) (explaining that the doctrine of res judicata (or claim preclusion) bars a plaintiff from re-litigating claims he previously brought or claims he could have brought in a prior action). Many of the issues Plaintiff identifies in the complaint were resolved on the merits in his prior lawsuits, *Jordan v. Samuels*, No. 3:20-cv-50211 (N.D. Ill.) (Johnston, J.), and *Jordan v. Rivers*, No. 3:20-cv-50297 (N.D. Ill.) (Johnston, J.) Plaintiff should be aware that if he continues pursuing claims that were dismissed in previous lawsuits, he may incur another strike. *Walker v. Page*, 59 F. App'x 896, 900 (7th Cir. 2003) ("Because Walker's case is squarely barred by res judicata, under the PLRA he earns a 'strike' for bringing the action.")

This case is closed, and all motions are denied as moot.

Date: January 12, 2021

By:

  
\_\_\_\_\_  
Iain D. Johnston  
United States District Judge

**Additional material  
from this filing is  
available in the  
Clerk's Office.**