

Case No. 24-5790

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

**ORDER**

RICKEY BENSON

Plaintiff - Appellant

v.

J. FIELDS, Chief Jailer and/or subordinates; DEPUTY WRIGHT

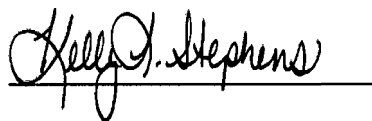
Defendants - Appellees

Appellant having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant has failed to satisfy the following obligation(s):

The proper fee was not paid by **May 02, 2025**.

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

**ENTERED PURSUANT TO RULE 45(a),  
RULES OF THE SIXTH CIRCUIT**  
Kelly L. Stephens, Clerk

A handwritten signature in cursive script, reading "Kelly L. Stephens", is written over a horizontal line.

Issued: May 06, 2025

No. 24-5790

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Apr 2, 2025  
KELLY L. STEPHENS,

RICKEY BENSON, )  
 )  
 Plaintiff-Appellant, )

v. )  
 )  
 J. FIELDS, Chief Jailer and/or subordinates; )  
 DEPUTY WRIGHT, )  
 )  
 Defendants-Appellees. )

ORDER

Before: SUHRHEINRICH, WHITE, and RITZ, Circuit Judges.

Rickey Benson, an inmate at the Shelby County Correctional Center who is proceeding pro se, moves this court to reconsider its January 16, 2025, order denying his motion to proceed in forma pauperis. This motion does not show that the court overlooked or misapprehended any point of law or fact. See Fed. R App. P. 40(b)(1)(A).

Accordingly, Benson's motion for reconsideration is **DENIED**.

ENTERED BY ORDER OF THE COURT

  
\_\_\_\_\_  
Kelly L. Stephens, Clerk

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

RICKEY BENSON, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 2:24-cv-02144-SHM-tmp  
 )  
 CHIEF JAILER KIRK FIELDS, AND/OR )  
 SUBORDINATES and DEPUTY WRIGHT, )  
 )  
 Defendants. )

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**ORDER DISMISSING CASE;  
CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH;  
NOTIFYING BENSON OF THE APPELLATE FILING FEE;  
NOTIFYING BENSON OF THE COURT’S STRIKE RECOMMENDATION UNDER  
28 U.S.C. § 1915(g); DENYING PENDING MOTION (ECF. NO. 6) AND CLOSING CASE**

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On March 1, 2024, Rickey Benson, who is a three-strike filer under § 1915(g) of the Prison Litigation Reform Act, 28 U.S.C. §§ 1915, *et seq.* (the “PLRA”), filed: (1) a *pro se* civil complaint under 42 U.S.C. § 1983 (ECF No. 1); and (2) a motion for leave to proceed *in forma pauperis* (ECF No. 2. (the “IFP Motion”)) On April 9, 2024, the Court (1) dismissed the complaint without prejudice pursuant to 28 U.S.C. § 1915(g). (ECF No. 5. (the “April 9 Order”)) The Court notified Benson that the case would be re-opened if Benson filed a motion to re-open within twenty-eight (28) days, accompanied by the four hundred and five dollar (\$405.00) civil filing fee. (*Id.* at PageID 15.) The Court warned Benson that if he failed to timely comply, the case would be dismissed with prejudice and judgment entered without further notice. (*Id.*)

On April 19, 2024, Benson filed a motion for ADR settlement (ECF No. 6. (the “Pending Motion”)). and a notice of appeal about the April 9 Order with the United States Court of Appeals

for the Sixth Circuit. (ECF No. 7 (the “NOA”).) On June 5, 2024, the Sixth Circuit entered an order that dismissed Benson’s appeal for want of prosecution. (ECF No. 9 at PageID 30.)

Benson’s deadline to file a motion to re-open Case No. 24-02144 and submit the civil filing fee was Tuesday, May 7, 2024. (See ECF No. 5 at PageID 15.) Benson has not filed a motion to re-open the case and has not sought an extension of time to do so.

For these reasons, the Court DISMISSES this case with prejudice in its entirety for the reasons discussed in the April 9 Order. (ECF No. 5.) Judgment will be entered in accordance with the April 9 Order. The Court DENIES the Pending Motion as MOOT.

The Court RECOMMENDS that this dismissal should be treated as a strike pursuant to 28 U.S.C. § 1915(g). See *Simons v. Washington*, 996 F.3d 350, 353 (6th Cir. 2021).

Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is CERTIFIED that any appeal in this matter by Benson would not be taken in good faith. If Benson nevertheless chooses to file a notice of appeal, Benson must either pay the entire six hundred and five dollars (\$605.00) appellate filing fee or submit a new *in forma pauperis* affidavit and a current, certified copy of his inmate trust account statement for the last six months, in compliance with 28 U.S.C. §§ 1915(a)-(b).

The Clerk is directed to mark this case closed.

IT IS SO ORDERED, this 9th day of August, 2024.

/s/ Samuel H. Mays, Jr.  
SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

RICKEY BENSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 2:24-cv-02144-SHM-tmp
	)	
CHIEF JAILER KIRK FIELDS, AND/OR	)	
SUBORDINATES and DEPUTY WRIGHT,	)	
	)	
Defendants.	)	

**ORDER DISMISSING CASE;  
CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH;  
NOTIFYING BENSON OF THE APPELLATE FILING FEE;  
NOTIFYING BENSON OF THE COURT’S STRIKE RECOMMENDATION UNDER  
28 U.S.C. § 1915(g); DENYING PENDING MOTION (ECF. NO. 6) AND CLOSING CASE**

On March 1, 2024, Rickey Benson, who is a three-strike filer under § 1915(g) of the Prison Litigation Reform Act, 28 U.S.C. §§ 1915, *et seq.* (the “PLRA”), filed: (1) a *pro se* civil complaint under 42 U.S.C. § 1983 (ECF No. 1); and (2) a motion for leave to proceed *in forma pauperis* (ECF No. 2. (the “IFP Motion”)) On April 9, 2024, the Court (1) dismissed the complaint without prejudice pursuant to 28 U.S.C. § 1915(g). (ECF No. 5. (the “April 9 Order”)) The Court notified Benson that the case would be re-opened if Benson filed a motion to re-open within twenty-eight (28) days, accompanied by the four hundred and five dollar (\$405.00) civil filing fee. (*Id.* at PageID 15.) The Court warned Benson that if he failed to timely comply, the case would be dismissed with prejudice and judgment entered without further notice. (*Id.*)

On April 19, 2024, Benson filed a motion for ADR settlement (ECF No. 6. (the “Pending Motion”)). and a notice of appeal about the April 9 Order with the United States Court of Appeals

for the Sixth Circuit. (ECF No. 7 (the "NOA").) On June 5, 2024, the Sixth Circuit entered an order that dismissed Benson's appeal for want of prosecution. (ECF No. 9 at PageID 30.)

Benson's deadline to file a motion to re-open Case No. 24-02144 and submit the civil filing fee was Tuesday, May 7, 2024. (See ECF No. 5 at PageID 15.) Benson has not filed a motion to re-open the case and has not sought an extension of time to do so.

For these reasons, the Court DISMISSES this case with prejudice in its entirety for the reasons discussed in the April 9 Order. (ECF No. 5.) Judgment will be entered in accordance with the April 9 Order. The Court DENIES the Pending Motion as MOOT.

The Court RECOMMENDS that this dismissal should be treated as a strike pursuant to 28 U.S.C. § 1915(g). See *Simons v. Washington*, 996 F.3d 350, 353 (6th Cir. 2021).

Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is CERTIFIED that any appeal in this matter by Benson would not be taken in good faith. If Benson nevertheless chooses to file a notice of appeal, Benson must either pay the entire six hundred and five dollars (\$605.00) appellate filing fee or submit a new *in forma pauperis* affidavit and a current, certified copy of his inmate trust account statement for the last six months, in compliance with 28 U.S.C. §§ 1915(a)-(b).

The Clerk is directed to mark this case closed.

IT IS SO ORDERED, this 9th day of August, 2024.

/s/ Samuel H. Mays, Jr.

SAMUEL H. MAYS, JR.

UNITED STATES DISTRICT JUDGE

In The United States Court of Appeals For The Sixth Circuit

Rickey Benson,  
Plaintiff-Appellant,  
v.  
K. Fields, et al.,  
Defendants-Appellees.

Case #: 24-5790

Petition For Rehearing Order Filed: Jan. 16, 2025, Pursuant To  
The Fed. R. App. P.

Cause Of Action: The Order Filed: Jan. 16, 2025, denied my motion to proceed if p to reject my motion for oral arguments in generally because it justifies that the USDC overlooked the 2<sup>nd</sup> imminent danger that I endured before the 1<sup>st</sup> imminent danger stated in my complaint of USDC, No. 24-02041 (USCAB, No. 24-5780) which indicated in the complaint of USDC, No. 24-02144 (USCAB, 24-5790) that I was subjected to continued threats so I did not have to allege in the USCAB that I was in any

imminent danger when I filed my appeal. However I believe the circuit judge has been paid to cover up the fact that the DC wants to cover up the 2<sup>nd</sup> imminent danger that I endured before the 1<sup>st</sup> imminent danger I stated in my complaint of USDC No. 24-02041 (USCAB, No. 24-5780) which indicated in the complaint of USDC, No. 24-02144 (USCAB, No. 24-5790) that I was subjected to continued threats for it is written that the first shall be last and the last shall be first in the Holy Bible, in which I have been chosen by our Creator.

Dated: Jan. 22, 2025

Signed: (Mr.) Rickey Benson

Proof of Service

I swear that a copy of this Petition was sealed inside a prepaid stamped Envelope Addressed to: Office of The Clerk, U.S. Court of Appeals For The Sixth Circuit, 100 E. Fifth Street, Rm. 540, Cincinnati, OH, 45202-3988 and placed in the Shelby Cnty. Div. of Cort. Mailing System on Jan. 22, 2025.

Signed: (Mr.) Rickey Benson

Case No. 24-5780

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

**ORDER**

**RICKEY BENSON**

Plaintiff - Appellant

v.

**KIRK FIELDS, Chief Jailer, in his official capacity.; DEPUTY WRIGHT, in his official capacity; SUPERVISORS OF DEPUTY WRIGHT, in official capacity; SUPERVISORS OF GRIEVANCE DEPT./PREA AND DISCIPLINARY HEARING OFFICIALS, in official capacity**

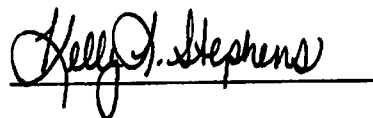
Defendants - Appellees

Appellant having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant has failed to satisfy the following obligation(s):

The proper fee was not paid by May 2, 2025.

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

**ENTERED PURSUANT TO RULE 45(a),  
RULES OF THE SIXTH CIRCUIT**  
Kelly L. Stephens, Clerk



Issued: May 15, 2025

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

RICKEY BENSON, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 2:24-cv-02041-SHM-tmp  
 )  
 CHIEF JAILER KIRK FIELDS, ET AL., )  
 )  
 Defendants. )

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**ORDER DISMISSING CASE;  
CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH;  
NOTIFYING BENSON OF THE APPELLATE FILING FEE;  
NOTIFYING BENSON OF THE COURT’S STRIKE RECOMMENDATION UNDER  
28 U.S.C. § 1915(g); DENYING PENDING MOTION (ECF. NO. 6) AND CLOSING CASE**

---

On January 16, 2024, Rickey Benson, who is a three-strike filer under § 1915(g) of the Prison Litigation Reform Act, 28 U.S.C. §§ 1915, *et seq.* (the “PLRA”), filed: (1) a *pro se* civil complaint under 42 U.S.C. § 1983 (ECF No. 1); and (2) a motion for leave to proceed *in forma pauperis* (ECF No. 2. (the “IFP Motion”)) On April 9, 2024, the Court (1) dismissed the complaint without prejudice pursuant to 28 U.S.C. § 1915(g). (ECF No. 5. (the “April 9 Order”)) The Court notified Benson that the case would be re-opened if Benson filed a motion to re-open within twenty-eight (28) days, accompanied by the four hundred and five dollar (\$405.00) civil filing fee. (*Id.* at PageID 12.) The Court warned Benson that if he failed to timely comply, the case would be dismissed with prejudice and judgment entered without further notice. (*Id.*)

On April 19, 2024, Benson filed a motion for ADR settlement (ECF No. 6. (the “Pending Motion”)). and a notice of appeal about the April 9 Order with the United States Court of Appeals

for the Sixth Circuit. (ECF No. 7 (the "NOA").) On June 21, 2024, the Sixth Circuit entered an order that dismissed Benson's appeal for want of prosecution. (ECF No. 9 at PageID 26.)

Benson's deadline to file a motion to re-open Case No. 24-02041 and submit the civil filing fee was Tuesday, May 7, 2024. (See ECF No. 5 at PageID 12.) Benson has not filed a motion to re-open the case and has not sought an extension of time to do so.

For these reasons, the Court DISMISSES this case with prejudice in its entirety for the reasons discussed in the April 9 Order. (ECF No. 5.) Judgment will be entered in accordance with the April 9 Order. The Court DENIES the Pending Motion as MOOT.

The Court RECOMMENDS that this dismissal should be treated as a strike pursuant to 28 U.S.C. § 1915(g). See *Simons v. Washington*, 996 F.3d 350, 353 (6th Cir. 2021).

Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is CERTIFIED that any appeal in this matter by Benson would not be taken in good faith. If Benson nevertheless chooses to file a notice of appeal, Benson must either pay the entire six hundred and five dollars (\$605.00) appellate filing fee or submit a new *in forma pauperis* affidavit and a current, certified copy of his inmate trust account statement for the last six months, in compliance with 28 U.S.C. §§ 1915(a)-(b).

The Clerk is directed to mark this case closed.

IT IS SO ORDERED, this 9th day of August, 2024.

/s/ Samuel H. Mays, Jr.  
SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE

No. 24-5780

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Mar 19, 2025  
KELLY L. STEPHENS, C

RICKEY BENSON,

Plaintiff-Appellant,

v.

KIRK FIELDS, Chief Jailer, in his official capacity;  
DEPUTY WRIGHT, in his official capacity;  
SUPERVISORS OF DEPUTY WRIGHT, in  
official capacity; SUPERVISORS OF  
GRIEVANCE DEPT./PREA AND  
DISCIPLINARY HEARING OFFICIALS, in  
official capacity,

Defendants-Appellees.

ORDER

Before: NORRIS, MOORE, and READLER, Circuit Judges.

Rickey Benson, an inmate at the Shelby County Correctional Center who is proceeding pro se, moves this court to reconsider its January 10, 2025, order denying his motion to proceed in forma pauperis. This motion does not show that the court overlooked or misapprehended any point of law or fact. See Fed. R. App. P. 40(b)(1)(A).

Accordingly, Benson's motion for reconsideration is DENIED.

ENTERED BY ORDER OF THE COURT

  
Kelly L. Stephens, Clerk

In The United States Court Of Appeals For The Sixth Circuit

Rickey Benson,  
Plaintiff - Appellant,  
v.  
Kirk Fields, ET AL,  
Defendants - Appellees.

Case No. 24-5780

Petition For Rehearing Order Filed: Jan. 10, 2025, Pursuant To  
The Fed. R. App. P.

Cause of Action: My petition for rehearing should be granted because I was in imminent danger of serious physical harm when I alleged that Fields and his subordinates allowed Wrig. to continue to place me in imminent danger of serious physical harm by turning off my sink and toilet water, depriving me of my diver and blood pressure medication to intentionally provoke me to mental anguish after I had filed my complaint, 0A USDC, No. 24-02144 against them (See also USCA6, No. 24-5790), in which the USDC judged USDC, No. 24-02041 before USDC, No. 24-02144 because the defendants had plotted and confiscated my mail to cover up these facts of imminent danger.

Dated: Jan. 17, 2025

Signed: (Mr.) Rickey Benson

PROOF OF SERVICE

I swear that a copy of this Petition For Rehearing was sealed inside a Prepaid Stamped Envelope Addressed to: Office Of The Clerk, U.S. Court Of Appeals For The Sixth Circuit, 100 E. Fifth Street, Rm. 540, Cincinnati, OH, 45202-3988, and placed in the SCDOC Mailing System on Jan. 17, 2025. Signed: (Mr.) Rickey Benson