

United States Court of Appeals  
For the Eighth Circuit

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No. 15-2868

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Carl Stanley Turner

*Plaintiff - Appellant*

v.

Sheri Flynn, Supervisor, Sex Offender Assessment Committee

*Defendant - Appellee*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Pine Bluff

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Submitted: November 27, 2015

Filed: December 3, 2015

[Unpublished]

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Before SMITH, BYE, and KELLY, Circuit Judges.

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PER CURIAM.

Arkansas inmate Carl Stanley Turner appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint for failure to pay the full filing fee as directed after the court found that he was not entitled to proceed in forma pauperis (IFP) because he had three strikes under 28 U.S.C. § 1915(g). Upon review of the three cases the district court identified as strikes, see Owens v. Isaac, 487 F.3d 561, 563 (8th Cir.

2007) (per curiam) (de novo review of district court's interpretation and application of § 1915(g)), we conclude--as this court concluded in two earlier decisions, see Turner v. Hobbs, 492 Fed. Appx. 702 (8th Cir. 2012) (unpublished per curiam); Turner v. Norris, 273 Fed. Appx. 579 (8th Cir. 2008) (unpublished per curiam)--that one of them does not qualify as a strike because the dismissal in that case was for lack of administrative exhaustion, see Owens, 487 F.3d at 563. We agree with the district court that the other two cases qualify as strikes under section 1915(g), but we are unaware of any other qualifying strike. In addition, we find that Turner is financially eligible for IFP status. We thus grant his motion for leave to appeal IFP, reverse the district court's order dismissing his complaint for failure to pay the full filing fee, and remand the case for further proceedings.

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