

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ROBERT WILLIAMS

CIVIL ACTION

VERSUS

NO. 09-7006

SHERIFF MARLIN GUSMAN, ET AL.

SECTION "B" (5)

**ORDER AND REASONS**

Plaintiff, Robert Williams, is incarcerated in the Orleans Parish Prison, in New Orleans, Louisiana. He is a frequent filer of frivolous lawsuits in this court. He filed this pro se complaint pursuant to 42 U.S.C. § 1983 against Sheriff Marlin Gusman, Warden Jones, and Tori Williams, alleging that he was denied adequate medical care for a broken hand. He seeks monetary compensation and injunctive relief. (Rec. Doc. No. 1, Complaint p. 4).

With his complaint, plaintiff filed an application to proceed in forma pauperis pursuant to Title 28 U.S.C. §1915.<sup>1</sup> This is a non-dispositive pretrial matter which was

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<sup>1</sup> Plaintiff's application is also deficient because he has not provided the requisite certified account statement. Regardless, for the reasons stated herein, plaintiff is not entitled to proceed in forma

referred to the undersigned United States Magistrate Judge pursuant to Local Rule 72.1E(b)(1) and 28 U.S.C. § 636(b).

The Prison Litigation Reform Act ("PLRA"), Pub. L. No. 104-134, 110 Stat. 1321, signed into law on April 26, 1996, now codified at 28 U.S.C. § 1915(g), provides that a prisoner shall not be allowed to bring a civil action pursuant to 28 U.S.C. § 1915 if he has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on grounds that it was frivolous, malicious, or failed to state a claim for which relief can be granted, unless the prisoner is under imminent danger of serious physical injury.

Plaintiff has submitted numerous pro se complaints while he was incarcerated. This Court's records establish that at least five of these complaints were dismissed as frivolous and/or for failure to state a claim, including: Robert Williams v. Arnesta Taylor, Civil Action 93-2028 "J"(2) (E.D. La.); Robert Williams v. Foti, Civil Action 93-1720 "A"(2) (E.D. La.); Robert Williams v. Warden Eddie Robertson, Civil Action 91-1539 "D"(2) (E.D. La.); Robert Williams v. Foti, Civil Action 91-0102 "I"(3) (E.D. La.); Robert Williams v. Foti, Civil Action 90-4310 "K"(4) (E.D. La.).<sup>2</sup> Accordingly, plaintiff

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pauperis.

<sup>2</sup> This Court has found plaintiff ineligible to proceed as a pauper pursuant to 28 U.S.C. § 1915(g) based on his history of filing frivolous lawsuits. See e.g., Robert Williams v. Brown and Williamson, et al., Civil Action 97-3426 "F"(4) (E.D. La.); Robert Williams v. Foti, Civil Action 98-1623 "C"(3) (E.D. La.).

may not proceed as a pauper in this action unless he fits within the “imminent danger” exception of § 1915(g). Plaintiff’s claims do not involve imminent danger to his physical safety.

For all of the foregoing reasons, **IT IS ORDERED** that plaintiff’s application to proceed *in forma pauperis* is **DENIED** pursuant to 28 U.S.C. § 1915 because plaintiff has previously filed three or more complaints that have been dismissed as frivolous, malicious or for failure to state a claim.

New Orleans, Louisiana, this 26th day of October, 2009.

  
ALMA L. CHASEZ  
UNITED STATES MAGISTRATE JUDGE