

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

ALCY JOSEPH, JR.

CIVIL ACTION

VERSUS

NO. 09-8422

**EVE TRIPKOVICK, COREY
COSSETT**

SECTION "C"(2)

ORDER AND REASONS

Plaintiff, Alcy Joseph, Jr., is a prisoner currently incarcerated in the Nelson Coleman Correctional Center in St. Charles Parish, Louisiana. He is a frequent filer of frivolous lawsuits in the federal courts.

Joseph filed the instant complaint pursuant to 42 U.S.C. § 1983 against defendants, Louisiana Probation and Parole officer Eve Tripkovick and Probation and Parole Supervisor Corey Cossett. He alleges that defendants are denying him due process and discriminating against him in connection with the revocation of his parole. Plaintiff seeks monetary compensation and injunctive relief. (Record Doc. No. 1, Complaint).

With his complaint, plaintiff submitted an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This is a non-dispositive pretrial matter which was referred to me pursuant to Local Rule 72.1E (b)(1) and 28 U.S.C. § 636(b).

The Prison Litigation Reform Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, now codified at 28 U.S.C. § 1915(g), provides that a prisoner shall not be allowed to bring a civil action pursuant to Section 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 as frivolous, malicious, or for failure to state a claim for which relief can be granted, unless the prisoner is under imminent danger of serious physical injury.

The court's records establish that plaintiff has filed 28 lawsuits in this Court since 1990. At least six (6) of his prior civil complaints, filed while plaintiff was incarcerated, were dismissed as frivolous, malicious, and/or for failure to state a claim. These include, but are not limited to, the following: Alcy Joseph, Jr. v. 29th Judicial Court, et al., Civil Action No. 95-3530 "F"(5); Alcy Joseph, Jr. v. 29th Judicial Court, et al., Civil Action No. 95-2232 "F"(2); Alcy Joseph, Jr. v. Troy Self, et al., Civil Action No. 95-2152 "G"(1); Alcy Joseph, Jr. v. Raquel Lewis, et al., Civil Action No. 95-1874 "E"(1); Alcy Joseph, Jr. v. Joel Chaisson, et al., Civil Action No. 95-1790 "G"(1); Alcy Joseph, Jr. v. St. Charles Parish Council, et al., Civil Action No. 05-1540 "N"(5).

Imminent danger of serious physical injury is not implicated by these claims. Consequently, Joseph is not entitled to proceed in forma pauperis pursuant to the provisions of the Prison Litigation Reform Act of 1996. For the foregoing reasons,

IT IS ORDERED that Alcy Joseph, Jr.'s motion to proceed in forma pauperis is **DENIED**. 28 U.S.C. § 1915(g).

New Orleans, Louisiana, this 12th day of January, 2010.

A handwritten signature in black ink, reading "Joseph C. Wilkinson, Jr.", written in a cursive style. The signature is positioned above a horizontal line.

JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE