

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

ANDREW D. WETZEL

VERSUS

KEVIN SWANN, ET AL.

CIVIL ACTION

NO. 10-4012

SECTION "C"(1)

ORDER AND REASONS

Plaintiff, Andrew D. Wetzel, is a prisoner currently incarcerated in the St. Tammany Parish Jail. He is a frequent filer of frivolous lawsuits in the federal courts.

Plaintiff filed the instant complaint pursuant to 42 U.S.C. § 1983 against defendants, Kevin Swann, Robert Chadwick, III, the Slidell Police Department, and the City of Slidell, alleging that in April 2009, Officer Swann used excessive force and threats to coerce a confession. Plaintiff seeks monetary compensation and injunctive relief. (Rec. Doc. No. 1, Complaint).

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

referred to the undersigned magistrate judge pursuant to Local Rule 72.1 E(b)(1) and Title 28 U.S.C. § 636(b).

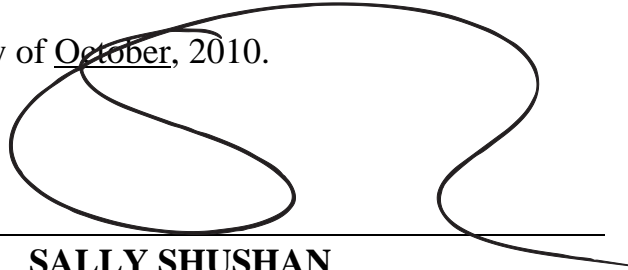
The Prison Litigation Reform Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, now codified at Title 28 U.S.C. § 1915(g), provides that a prisoner shall not be allowed to bring a civil action pursuant to § 1915 if he has, on three or more prior occasions, while incarcerated or detained in any facility, 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 more than 20 lawsuits in this court. At least four of his prior civil complaints, filed while plaintiff was incarcerated, were dismissed as frivolous and/or for failure to state a claim. These include, but are not limited to, the following: Andrew David Wetzel v. Slidell Police Department, et al., Civil Action No. 09-0014 "J"(3); Andrew David Wetzel v. St. Tammany Parish Jail, et al., Civil Action No. 09-0025 "A"(5); Andrew D. Wetzel v. Hammond Police Department, et al., Civil Action No. 09-0128 "D"(4); Andrew David Wetzel v. Rodney J. Strain, Jr., et al., Civil Action No. 09-7048 "A"(1).

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

IT IS ORDERED that Andrew David Wetzel's motion to proceed in forma pauperis is **DENIED**. 28 U.S.C. § 1915(g).

New Orleans, Louisiana, this 27th day of October, 2010.

A large, stylized handwritten signature in black ink, appearing to read 'SALLY SHUSHAN', written over a horizontal line.

SALLY SHUSHAN
UNITED STATES MAGISTRATE JUDGE