

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

**ANDREW DAVID WETZEL
VERSUS
DR PAUL NATHAN ET AL.**

**CIVIL ACTION
NO. 10-4345
SECTION "R"(2)**

ORDER AND REASONS

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

Wetzel filed the instant complaint pursuant to 42 U.S.C. § 1983 against 22 named defendants. He asserts numerous claims alleging violation of his constitutional rights. Some of these claims have been raised in his other lawsuits. They include coerced confession, improper dental and medical care, withholding of exculpatory evidence in connection with his criminal trial, false arrest/malicious prosecution, cruel and unusual punishment, unsanitary conditions, denial of access to the courts, loss of property, sexual harassment and unsafe transportation. Plaintiff seeks monetary compensation. (Record Doc. No. 1, Complaint, p. 6).

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 referred to the undersigned magistrate judge 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 Wetzel has filed about 30 civil 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: 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). Wetzel has previously been barred on numerous occasions from proceeding with his civil complaints as a pauper in this court pursuant to 28 U.S.C. §1915(g). See e.g., Andrew D. Wetzel v. Thomas McNulty, et al., Civil Action No. 10-4014 "J"(4); Andrew D. Wetzel v. Kevin Swann, et al., Civil Action No. 10-4012 "C"(1);

Andrew D. Wetzel v. Robert F. Chadwick, III, et al., Civil Action No. 10-4013 “T”(5);

Andrew David Wetzel v. Jack Strain, Jr., et al., Civil Action No. 10-3587 “B”(3).

Imminent danger of serious physical injury is not implicated by plaintiff’s claims. Consequently, plaintiff 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 23rd day of November, 2010.



JOSEPH C. WILKINSON, JR.
UNITED STATES MAGISTRATE JUDGE