

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

**DASHONE MARCEL REYNOLDS**

**CIVIL ACTION**

**VERSUS**

**NO. 22-2319**

**DEPUTY JONATHAN CHARLES**

**SECTION: "I"(3)**

**ORDER AND REASONS**

On September 26, 2022, the United States Magistrate Judge issued a report recommending that plaintiff's complaint be dismissed without prejudice for failure to prosecute because he had not complied with an order directing him to either pay the required filing fee or file an application to proceed *in forma pauperis* on or before September 19, 2022. Rec. Doc. 4. However, after that Report and Recommendation was issued, an application to proceed *in forma pauperis* was filed in this case. Rec. Doc. 5. In light of that changed circumstance, the Court declines to adopt the recommendation that this matter be dismissed for failure to prosecute. Nevertheless, because plaintiff is ineligible proceed as a pauper for the following reasons, his application to proceed *in forma pauperis* is **DENIED** and this matter is **CLOSED**.

The Prison Litigation Reform Act provides that a prisoner, unless he is under imminent danger of serious physical injury, shall not be allowed to bring a civil action pursuant to 28 U.S.C. § 1915 if he has, on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious, or failed to state a claim on which relief may be granted. 28 U.S.C. § 1915(g).

While incarcerated or detained, plaintiff has filed at least four civil actions that were dismissed on the grounds that they were frivolous and/or failed to state a claim on which relief

may be granted: Reynolds v. District Attorney Office, Civ. Action No. 21-1614, 2022 WL 556048 (E.D. La. Jan. 18, 2022), adopted, 2022 WL 539294 (E.D. La. Feb. 23, 2022); Reynolds v. Orleans Parish Sheriff's Office, Civ. Action No. 21-1615, 2022 WL 989425 (E.D. La. Mar. 3, 2022), adopted, 2022 WL 972287 (E.D. La. Mar. 31, 2022); Reynolds v. Criminal District Court Orleans Parish, Civ. Action No. 22-1009, 2022 WL 4391517 (E.D. La. May 19, 2022), adopted, 2022 WL 4379523 (E.D. La. Sept. 22, 2022); Reynolds v. DeLarge, Civ. Action No. 22-1421, 2022 WL 3587840 (E.D. La. July 11, 2022), adopted, 2022 WL 3579420 (E.D. La. Aug. 19, 2022).

Because of that history of baseless litigation, and because plaintiff has made no showing that his claims in this lawsuit concern an imminent danger of serious physical injury, he will not be permitted to file action as a pauper under 28 U.S.C. § 1915.

Accordingly,

**IT IS ORDERED** that the Court **DECLINES** to adopt the Report and Recommendation, Rec. Doc. 4,

**IT IS FURTHER ORDERED** that plaintiff's application to proceed *in forma pauperis*, Rec. Doc. 5, is **DENIED**.

**IT IS FURTHER ORDERED** that the Clerk of Court **CLOSE** this case until such time as plaintiff pays the filing fee in its entirety.

New Orleans, Louisiana, this 27th day of September, 2022.



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**LANCE M. AFRICK**  
**UNITED STATES DISTRICT JUDGE**