

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ROBERT MITCHELL ALEXANDER §
VS. § CIVIL ACTION NO. 1:19cv369
CALVIN E. TUCKER, ET AL. §

MEMORANDUM OPINION

Plaintiff Robert Mitchell Alexander, an inmate at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against several defendants. As plaintiff did not pay the required filing fee, he appears to be attempting to proceed with this lawsuit on an *in forma pauperis* basis.

Discussion

Title 28 U.S.C. § 1915(g) prohibits prisoners from repeatedly filing frivolous or malicious complaints on an *in forma pauperis* basis. Section 1915(g) provides as follows:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action [*in forma pauperis*] . . . if the prisoner has, on three or more occasions . . . brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Prior to the date on which he filed this lawsuit, at least four lawsuits filed by plaintiff were dismissed as frivolous.¹ As a result, Section 1915(g) is applicable.

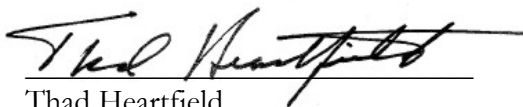
¹ *Alexander v. Gaiser*, No. 4:01cv590 (S.D. Tex. May 21, 2001) (dismissed as frivolous); *Alexander v. Cook*, No. 1:02cv72 (N.D. Tex. Oct. 29, 2002) (dismissed as frivolous); *Alexander v. Cockrell*, No. 1:04cv245 (N.D. Tex. Dec. 6, 2006) (dismissed as frivolous); *Alexander v. Eason*, 1:06cv4 (N.D. Tex. Feb. 14, 2008).

As set forth above, plaintiff has had at least four prior lawsuits dismissed as frivolous. While the allegations in his complaint are serious, plaintiff has failed to demonstrate he was in "imminent danger of serious physical injury" on the date he filed this lawsuit. Section 1915(g) therefore bars plaintiff from proceeding further with this lawsuit on an *in forma pauperis* basis.

Conclusion

For the reasons set forth above, this civil rights lawsuit will be dismissed pursuant to 28 U.S.C. § 1915(g). An appropriate final judgment shall be entered.

SIGNED this the **19** day of **August, 2020**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge