

MYRON ELDON BUTLER,
TDCJ 1147687,
Plaintiff,

versus

W. A. PENDERGRAFF, *et al.*,
Defendant.

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CIVIL ACTION H-10-811


Opinion on Dismissal

Myron Eldon Butler sues for civil rights violations. He is in a Texas prison. Butler moves to proceed as a pauper. He has sued about twenty other times in district court, including transfers. The district court dismissed three of these lawsuits as frivolous or for failure to state a claim recognized at law. *Butler v. Dean, et al.*, 4:03cv174 (E.D. Tex.); *Butler v. Pendergraff*, 4:09v382 (S.D. Tex.); and *Butler v. UTMB, et al.*, 4:09cv519 (S.D. Tex.). When Butler sued in these other cases, he was held in prison or jail. The district court dismissed these other cases before Butler filed this case.

A prisoner may not bring a case in federal court as a pauper if, while incarcerated, he brought three actions which the court dismissed as frivolous or for failure to state a claim, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Butler's allegations here do not show that he is under imminent danger of serious physical injury.

This complaint is dismissed. 28 U.S.C. § 1915(g). The clerk will send a copy to the District Clerk, 211 West Ferguson, Tyler, Texas 75702, Attention: Manager of the Three-Strikes List.

Signed March 21, 2010, at Houston, Texas.


Lynn N. Hughes
United States District Judge