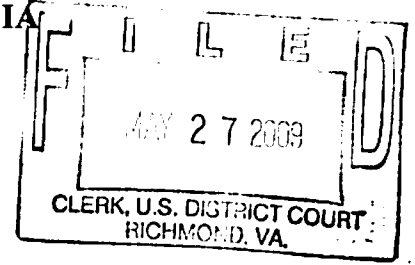


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JONATHAN LEE RICHES,)
)
Plaintiff,)
)
v.)
)
DAYTONA 500, *et al.*,)
)
Defendants.)

Civil Action No. 3:09CV69-HEH

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

Plaintiff, a federal inmate, submitted this action and requested leave to proceed *in forma pauperis*. A prisoner is prohibited from proceeding *in forma pauperis*:

[I]f the prisoner has, on 3 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 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.

28 U.S.C. § 1915(g). Plaintiff has at least three actions or appeals that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief could be granted.

See Riches v. Karpinski, Nos. 3:08cv00347, 3:08cv00346, 2008 WL 2564785, at *1–2 (W.D. Wis. June 25, 2008). The delusional nature of Plaintiff’s current complaint and his history of frivolous filings demonstrate that Plaintiff is not in imminent danger of serious physical harm. *See id.* at *3 (noting, in Plaintiff’s 1,834th lawsuit, that his allegations of imminent harm carried no weight). Accordingly, by Memorandum Order entered on

