

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

**VINCENT E. WILSON,**

Plaintiff,

v.

Civil Action No. **3:23CV607 (RCY)**

**DAVID J. NOVAK, et al.,**

Defendants.

**MEMORANDUM OPINION**

Plaintiff, a Virginia inmate, submitted this action that was transferred to this Court by the United States District Court for the Eastern District of New York. Plaintiff has requested leave to proceed *in forma pauperis*. The pertinent statute provides:


In no event shall a prisoner bring a civil action [*in forma pauperis*] if 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 other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See Wilson v. Arthur*, No. 3:23cv82 (DJN), 2023 WL 2506420, at \*6 (E.D. Va. Mar. 14, 2023); *Wilson v. Burgess*, No. 3:22cv662 (DJN), 2023 WL 2505863, at \*5 (E.D. Va. Mar. 14, 2023); *Wilson v. Arthur*, No. 3:22cv602 (DJN), 2023 WL 2507554, at \*6 (E.D. Va. Mar. 14, 2023), *aff'd* 2023 WL 4839377 (4th Cir. July 28, 2023); *Wilson v. U.S.P.S.*, No. 3:22cv689 (DJN), 2023 WL 1997069, \*2 (E.D. Va. Feb. 14, 2023); *Wilson v. Lindsey*, No. 3:23cv83 (DJN), 2023 WL 1997070, at \*2 (E.D. Va. Feb. 14, 2023), *aff'd* 2023 WL 4839386 (4th Cir. July 28, 2023). Plaintiff's current complaint does not credibly suggest that he is in imminent danger of serious physical harm.

Accordingly, his request to proceed *in forma pauperis* will be DENIED. The action will be DISMISSED WITHOUT PREJUDICE. Plaintiff remains free to submit a new complaint with the full \$402 filing fee. The Court will process such a complaint as a new civil action.

An appropriate Final Order will accompany this Memorandum Opinion.

Date: October 26, 2023  
Richmond, Virginia

 /s/ RCY  
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Roderick C. Young  
United States District Judge