

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

MAURICE HAWKINS,

Plaintiff,

v.

Civil Action No. 3:23cv656

JUDGE MARSHALL,

Defendant.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate, has submitted this action and 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, malicious, or for failure to state a claim. See *Hawkins v. Hale*, No. 7:05-CV-00217 (W.D. Va. Apr. 13, 2005); *Hawkins v. Cantrell*, No. 7:04-CV-00377 (W.D. Va. July 15, 2004); *Hawkins v. Johnson*, No. 7:04-CV-00360 (W.D. Va. July 12, 2004).¹ Plaintiff's current complaint does not 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.

¹ Copies of these decisions are attached to this Memorandum Opinion and Order. The Clerk SHALL docket these decisions as attachments to the Memorandum Opinion.

Plaintiff remains free to submit a new complaint with the full \$402.00 filing fee. The Court will process such a complaint as a new civil action.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 10/27/2023
Richmond, Virginia



M. Hannah Lauck
United States District Judge