

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

Richmond Division

VINCENT ELLIOT WILSON,  
Plaintiff,

v.

Civil No. 3:24cv159 (DJN)

UNITED STATES OF AMERICA,  
Defendant.

**MEMORANDUM OPINION**

Plaintiff, a Virginia inmate, submitted this action and requested leave to proceed *in forma pauperis*.<sup>1</sup> 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. Morales*, No. 3:23cv204 (DJN), 2023 WL 7545217, at \*8 (E.D. Va. Nov. 13, 2023); *Wilson v. Agboola*, No. 3:22cv665 (DJN), 2023 WL 7545220, at \*2 (E.D. Va. Nov. 13, 2023); *Wilson v. Arthur*, No. 3:23cv82 (DJN), 2023 WL 2506420, at \*6 (E.D. Va. Mar. 14, 2023); *aff'd* 2023 WL 7548182 (4th Cir. Nov. 14, 2023); *Wilson v. Burgess*, No. 3:22cv662 (DJN), 2023 WL 2505863, at \*5 (E.D. Va. Mar. 14, 2023); *aff'd* 2023 WL 7548184 (4th Cir. Nov. 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);

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<sup>1</sup> This action was transferred to this Court by the United States District Court for the Northern District of New York. (ECF No. 7.)


*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). Given his previous litigation, Plaintiff's current  
complaint does not plausibly suggest that he is in *imminent* danger of serious physical harm.

Accordingly, Plaintiff's 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 \$405 filing fee. The Court  
will process such a complaint as a new civil action.

An appropriate Final Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to  
Plaintiff.

/s/   
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David J. Novak  
United States District Judge

Richmond, Virginia  
Date: March 8, 2024