v. Boyd et al Doc. 2

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAMES BOYD,	)	
Plaintiff,	)	**Civil Action No. 7:05CV00389**
	)	
v.	)	**MEMORANDUM OPINION**
	)	**AND FINAL ORDER**
	)	
JOHN MOODY,	)	**By: Samuel G. Wilson**
Defendant.	)	**United States District Judge**

Plaintiff James Boyd, a Virginia prisoner proceeding pro se, brings this action for damages pursuant to 42 U.S.C. § 1983. This court has dismissed three previous actions filed by Boyd pursuant to 28 U.S.C. § 1915A(b)(1).[1] Therefore, Boyd may not proceed with this action until he either pays the $250.00 filing fee or shows that he is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Although Boyd states in his complaint that he is willing to pay the filing fee, Boyd has neither prepaid the filing fee nor demonstrated that he is "under imminent danger of serious physical injury." Accordingly, it is hereby **ORDERED** and **ADJUDGED** that Boyd's complaint is **FILED** and **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(g).[2] This action is stricken from the active docket of the court.

The Clerk is directed to send a certified copy of this order to the plaintiff.

ENTER: This 24th day of June, 2005.

UNITED STATES DISTRICT JUDGE

[1] See Boyd v. Simpson, Civil Action No. 7:02cv00646 (W.D. Va. May 13, 2002); Boyd v. None Named, Civil Action No. 7:02cv00598 (W.D. Va. April 24, 2002); Boyd v. Olson, Civil Action No. 7:02cv00074 (W.D. Va. Jan. 24, 2002).

[2] The court has previously notified Boyd that he may not file civil actions in this court unless he either pays the filing fee or demonstrates that he is under imminent danger of serious physical injury. Therefore, the court will not give Boyd additional time to pay the filing fee or amend his complaint.

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