

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DISTRICT COURT
AT ROANOKE, VA
FILED
OCT 26 2005
JOHN F. CORCORAN, CLERK
BY: [Signature] DEPUTY CLERK

JOSEPH BOWLER,
Plaintiff,

v.

BLANKENSHIP, et al.,
Defendants.

Civil Action No. 7:05-cv-00652

MEMORANDUM OPINION

By: Hon. James C. Turk
Senior United States District Judge

Plaintiff Joseph Bowler, a Virginia inmate acting pro se, submits this action as a civil rights complaint, pursuant to 42 U.S.C. §1983.¹ Bowler lists numerous officers at Red Onion State Prison (ROSP), alleging that on October 13, 2005, they beat him on his ribs and side, kicked him, and threatened him with bodily harm. He also alleges that officers have stolen and/or destroyed his property, refused to provide him medical care for unidentified medical problems, confiscated his eye glasses and finger brace, and interfered with his mail.² Bowler seeks to press criminal charges and other forms of relief.³

Upon review of the record, the court finds that Bowler's complaint is an exact duplicate of another recently filed complaint, Civil Action No. 7:05-cv-00648. The court filed that action for administrative purposes only and dismissed it without prejudice, pursuant to 28 U.S.C. §1915(g), because Bowler has filed at least three prior civil actions, in forma pauperis, that were dismissed as malicious, frivolous, or for failure to state a claim, and because he failed to allege imminent danger of physical harm. As Bowler's current submissions do not provide any additional information on which he could be entitled to proceed in forma pauperis, pursuant to §

¹Bowler has filed numerous complaints under § 1983, all of which are closed at this time.

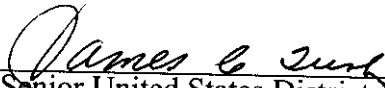
²Bowler also submits copies of grievances in which he complains about officers tampering with his food and threatening him with bodily harm.

³To the extent that Bowler seeks criminal prosecution of the officers who allegedly assaulted him, he is advised that the United States Department of Justice, and not the court, decides who to prosecute for violations of federal laws. If he believes the actions of which he complains violated federal criminal statutes, he may contact the Office of the United States Attorney, 310 Cummings St., Suite A, Abingdon, VA 24212-1098.

1915(g), the court will file this action for administrative purposes only, incorporate by reference the opinion filed in Civil Action No. 7:05-cv-00648, and summarily dismiss the action without prejudice, pursuant to § 1915(g). An appropriate order shall be issued this day.

The Clerk is directed to send certified copies of this memorandum opinion and the accompanying order to plaintiff.

ENTER: This 24th day of October, 2005.


Senior United States District Judge