

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

DAN OLIVER,)	
)	
Plaintiff,)	Civil Action No. 7:24cv00074
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
WARDEN EDMOUND, <i>et al.</i> ,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendants.)	

Plaintiff Dan Oliver, a Virginia prisoner proceeding *pro se*, filed this civil rights action under 42 U.S.C. § 1983 but did not pay the filing fee. At least three of Oliver’s previous actions have been dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted.¹ Therefore, Oliver may not proceed with this action unless he either prepays the filing fee or shows that he is “under imminent danger of serious physical injury.”² 28 U.S.C. § 1915(g). Because Oliver has neither prepaid the filing fee nor demonstrated that he is “under imminent danger of serious physical injury,”³ the court will dismiss his complaint without prejudice under § 1915(g).

¹ See e.g., *Oliver v. Braxton*, No. 1:01cv121 (E.D. Va. Mar. 30, 2001) (dismissed for failure to state a claim); *Oliver v. Taylor*, No.1:01cv221 (E.D. Va. Mar. 30, 2001) (dismissed for failure to state a claim); *Oliver v. Braxton*, No.1:01cv568 (E.D. Va. May 16, 2001) (dismissed for failure to state a claim). See also *Oliver v. Osborne*, 75 F. App’x 209 (4th Cir. 2003) (affirming dismissal under § 1915(g)).

² The court notes that Oliver has been advised of his three-striker status on multiple occasions by this court. See e.g., *Oliver v. Osborne*, No. 7:03cv683 (W.D. Va. Oct. 22, 2003); *Oliver v. Young*, No. 7:18cv525 (W.D. Va. Oct. 30, 2018); and *Oliver v. Unknown*, No. 7:19cv56 (W.D. Va. Jan. 29, 2019).

³ Oliver alleges that the defendant jail officials are depriving him of \$502 million that they owe him for nine books he has written since 2017. He needs the money so that he can “write such book[]s as poems of wisdom []and[] unbelievably crazy joke[]s and other NEW up-coming book[]s, like a creative letter book[] for writing interesting letter[]s.” (Compl. at 2 [ECF No. 1].) As relief, Oliver asks the court to order the defendants to pay him \$502 million. Oliver’s allegations do not suggest that he is under imminent danger of serious physical injury.

The Clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to Oliver.

ENTERED this 31st day of January, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE

See Springer v. Day, No. 7:16cv261, 2016 U.S. Dist. LEXIS 76270, at *3, 2016 WL 3248601, at *1 (W.D. Va. June 13, 2016) (quoting *Lewis v. Sullivan*, 279 F.3d 526, 531 (7th Cir. 2002)) (“Courts have held that the imminent danger exception to § 1915(g)’s ‘three strikes’ rule must be construed narrowly and applied only for ‘genuine emergencies,’ where ‘time is pressing’ and ‘a threat . . . is real and proximate’ to the alleged official misconduct.”)