

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2010-5001

GEORGE A. BROWN,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in 09-CV-254,  
Judge Charles F. Lettow.

ON MOTION

Before LOURIE, Circuit Judge.

## ORDER

George A. Brown moves for leave to proceed in forma pauperis.

Brown is currently incarcerated. Pursuant to the Prison Litigation Reform Act (PLRA), a prisoner is barred from proceeding in forma pauperis if three or more prior actions or appeals have been dismissed as frivolous or malicious or for failure to state a claim. Section 1915(g) of 28 U.S.C. states:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section 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.

The court notes that three or more actions or appeals filed by Brown have been dismissed as frivolous, malicious, or for failure to state a claim. See Brown v. Bush, et al.,

No. 104cv164 (D.D.C. Feb 5, 2004) (dismissed with prejudice for failure to state a claim); Brown v. Bush, et al., No. 104cv926 (D.D.C. June 7, 2004) (dismissed with prejudice for failure to state a claim); Brown v. Bush, et al., No. 104cv1092 (D.D.C. June 29, 2004) (dismissed with prejudice for failure to state a claim). Thus, Brown is barred by statute from proceeding in forma pauperis in this appeal. See 28 U.S.C. § 1915(g).

Accordingly,

IT IS ORDERED THAT:

- (1) If Brown does not pay the \$450 filing fee within 30 days of the date of filing of this order, his appeal will be dismissed.
- (2) The briefing schedule is stayed.

FOR THE COURT

NOV 13 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: George A. Brown  
William P. Rayel, Esq.

**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

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NOV 13 2009

JAN HORBALY  
CLERK