

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RONALD D. VETETO,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 2:17cv689-WHA
)
 CLERKS, JUDGES AND JUSTICES OF THE)
 ALABAMA COURTS,)
)
 Defendants.)

ORDER

This cause is now before the court on Plaintiff’s Objection to the Magistrate Judge’s Recommendation (Doc. #40).

Upon *de novo* review of the file, the Recommendation, and the Objection thereto, the court finds that the Objection is without merit and due to be overruled.

In his Report and Recommendation, the Magistrate Judge recommended that the motion for leave to proceed *in forma pauperis* be DENIED and the case be dismissed without prejudice for failure to pay the full filing and administrative fees. (Doc. #2). The Magistrate Judge reasoned that the “three strikes” provision of 28 U.S.C. §1915(a) prevents Veteto from proceeding in forma pauperis because Veteto has filed at least three prior civil actions or appeals that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief must be granted. The Magistrate Judge pointed out that the Eleventh Circuit has previously concluded that Veteto had filed three previous suits or appeals and fell within 28 U.S.C. §1915. *See Veteto v. Justices and Clerks of the Alabama Supreme Court*, Slip. Op. NO. 2:11cv516-MEF, Doc. #19.

Because he has “three strikes,” Vetetos cannot proceed *in forma pauperis* unless he meets the imminent danger of serious physical injury exception. See 28 U.S.C. §1915(g). The Magistrate Judge found that Veteto had not met this burden. This court agrees with the reasoning of the Magistrate Judge, and finds that the objection does not demonstrate that Veteto was under imminent danger of physical serious injury when he filed this action. Veteto’s allegations in the claims against the Clerks, Judges, and Justices of the Alabama Courts, or the facts alleged in the history portion of his Complaint, do not rise to the level of imminent danger of serious physical injury. *See, e.g., Barber v. Krepp*, 680 F. App'x 819, 821 (11th Cir. 2017) (stating that simply recounting past injuries is not sufficient to establish an “imminent danger of physical injury” under § 1915(g)).

Accordingly, it is hereby ORDERED as follows:

1. The court adopts the Recommendation of the Magistrate Judge and the Objection is OVERRULED.
2. The Order and Judgment on the motion for leave to proceed *in forma pauperis* (Doc. #27, 28) remains in full force and effect.

DONE this 7th day of May, 2018.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE