

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**MANUEL RAUL REYO PENA MONTERO,
Reg. #09794-000**

PLAINTIFF

V.

No. 4:14CV00659-SWW

USA and JOHN DOES

DEFENDANTS

ORDER

Manuel Raul Reyos Pena Montero, a federal inmate housed at the U.S. Penitentiary in Beaumont, Texas, filed this lawsuit pro so, along with an application to proceed *in forma pauperis*. (Docket entry #1). His application (#1) must be DENIED.

Title 28 U.S.C. § 1915(g) bars a prisoner from proceeding *in forma pauperis* in a civil action 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.

Mr. Montero has filed more than twenty civil lawsuits in various federal courts around the country. Of those, at least three were dismissed for failure to state a claim.¹ Unless he falls under an exception, Mr. Montero is not eligible to proceed *in forma pauperis*.

¹ See *Montero v. Clinton*, E.D.N.Y. Case No. 1:03-CV-512 (dismissal entered Feb. 26, 2003); *Montero v. Bush, et al.*, N.D. Fla. Case No. 4:03-CV-82 (dismissal entered May 2, 2003); and *Montero v. Clinton*, W.D. Wa. Case No. 2:03-CV-85 (dismissal entered Aug. 6, 2003).

Based on a review of the complaint, the Court cannot conclude that Mr. Montero is in imminent danger of serious physical injury. If he wishes to proceed with this lawsuit, Mr. Montero must pay the \$400.00 filing fee. He is ordered to submit, within thirty (30) days from the entry of this Order, the \$400.00 filing fee. Failure to do so will result in dismissal of this action without prejudice.

IT IS SO ORDERED this 14th day of November 2014.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE