

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEROME L. GRIMES,	)	Nos. C 12-5499 JSW (PR)
	)	C 12-5689 JSW (PR)
	)	C 12-5690 JSW (PR)
Plaintiff,	)	C 12-5693 JSW (PR)
	)	C 12-5694 JSW (PR)
	)	C 12-5695 JSW (PR)
v.	)	C 12-5696 JSW (PR)
	)	C 12-5697 JSW (PR)
	)	C 12-5701 JSW (PR)
	)	C 12-5702 JSW (PR)
KING SECURITY SERVICES, et al.,	)	C 12-5987 JSW (PR)
	)	C 12-5988 JSW (PR)
	)	C 12-6053 JSW (PR)
Defendants.)	
	)	ORDER OF DISMISSAL

Plaintiff, an inmate in the San Mateo County Jail and frequent litigator in this Court, filed the above thirteen pro se civil rights cases over the course of approximately one month. On May 18, 2000, this Court informed Plaintiff that under the "three-strikes" provisions of 28 U.S.C. § 1915(g) he generally is ineligible to proceed *in forma pauperis* in federal court with civil actions filed while he is incarcerated. *See Grimes v. Oakland Police Dept.*, C 00-1100 CW (Order Dismissing Complaint, 5/18/00). Since then, Plaintiff has continued to file hundreds of civil actions seeking *in forma pauperis* status. With respect to each action filed, the Court conducts a preliminary review to assess the nature of the allegations and to determine whether Plaintiff alleges facts which bring him within the "imminent danger of serious physical injury" exception to § 1915(g). In the past, Plaintiff has routinely been granted leave to amend to pay the full filing fee and to state cognizable claims for relief, but he has habitually failed to do so. For example, in 2003 alone Plaintiff's failure to comply resulted in the dismissal of approximately thirty-

1 six actions under § 1915(g).


2 In accord with this ongoing practice, the Court has reviewed the allegations in the
3 present actions and finds that Plaintiff alleges no facts which bring him within the
4 "imminent danger" clause. Succinctly put, these actions challenge the validity of the
5 arrest and criminal charges which led to his current incarceration. As has been explained
6 to Plaintiff countless times, such claims are barred under *Heck v. Humphrey*, 512 U.S.
7 477 (1994) (state prisoner's § 1983 complaint for damages which implies invalidity of
8 conviction or sentence must be dismissed unless plaintiff demonstrates conviction or
9 sentence has already been invalidated). Therefore, it would be futile to grant Plaintiff
10 leave to amend. And even if Plaintiff did amend, he would be required to pay the
11 \$350.00 filing fee, which he has never done.

12 Accordingly, this action is DISMISSED without prejudice under § 1915(g). The
13 applications to proceed *in forma pauperis* are DENIED. No fee is due. If Plaintiff is so
14 inclined, he may bring his claims in a new action accompanied by the \$350.00 filing fee.
15 In any event, the Court will continue to review under § 1915(g) all future actions filed by
16 Plaintiff while he is incarcerated in which he seeks *in forma pauperis* status.

17 The Clerk of the Court shall close the file and terminate all pending motions.

18 IT IS SO ORDERED.

19 DATED: December 14, 2012

20 
21 _____
22 JEFFREY S. WHITE
23 United States District Judge
24
25
26
27
28

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 JEROME GRIMES,

6 Plaintiff,

7 v.

8 KING SECURITY SERVICES et al,

9 Defendant.
10 _____/

Case Number: C 12-5499 JSW (PR)
C 12-5689 JSW (PR)
C 12-5690 JSW (PR)
C 12-5693 JSW (PR)
C 12-5694 JSW (PR)
C 12-5695 JSW (PR)
C 12-5696 JSW (PR)
C 12-5697 JSW (PR)
C 12-5701 JSW (PR)
C 12-5702 JSW (PR)
C 12-5987 JSW (PR)
C 12-5988 JSW (PR)
C 12-6053 JSW (PR)

11
12
13 **CERTIFICATE OF SERVICE**

14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
15 Court, Northern District of California.

16 That on December 19, 2012, I SERVED a true and correct copy(ies) of the attached, by placing
17 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
18 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
19 delivery receptacle located in the Clerk's office.

20 Jerome L. Grimes
#12675072
21 1 Moreland Drive
San Bruno, CA 94066

22 Dated: December 19, 2012

23 Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk
24
25
26
27
28