

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

JEROME L. GRIMES,

Plaintiff,

v.

TELLUS OPERATING GROUP, LLC,

Defendants.

No. C 13-1214 JSW (PR)

ORDER OF DISMISSAL

Plaintiff, an inmate in the Napa State Hospital and frequent litigator in this Court, has recently filed this pro se civil rights case. 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 rights 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-six actions under § 1915(g).

In accord with this ongoing practice, the Court has reviewed the allegations in the

1 present action and finds that Plaintiff alleges no facts which bring him within the
2 "imminent danger" clause. The complaint makes claims under 42 U.S.C. § 1983 against
3 private individuals as well as a series of nonsensical or plainly implausible allegations,
4 including "pretext heirship rowing murder." It has been explained to Plaintiff countless
5 times that such claims and allegations are not cognizable. Therefore, it would be futile to
6 grant Plaintiff leave to amend. And even if Plaintiff did amend, he would be required to
7 pay the \$350.00 filing fee, which he has never done.

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

13 The Clerk of the Court shall close the files and terminate all pending motions in
14 the cases listed in the caption of this order.

15 IT IS SO ORDERED.

16 DATED: May 1, 2013

17 
JEFFREY S. WHITE
United States District Judge

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

5 JEROME L GRIMES,

Case Number: CV13-01214 JSW

6 Plaintiff,

CERTIFICATE OF SERVICE

7 v.

8 TELLUS OPERATING GROUP LLC et al,

9 Defendant.
10 _____/

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

13 That on May 1, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
16 receptacle located in the Clerk's office.

17 Jerome L. Grimes
18 Napa State Hospital
19 #206586-0/ Unit Q-1 & 2
20 2100 Napa Vallejo Highway
21 Napa, CA 94558

22 Dated: May 1, 2013


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk