

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

OCT 15 2009

Clerk, U.S. District and  
Bankruptcy Courts

Barry Dwayne Minnfee, :  
 :  
 Plaintiff, :  
 :  
 v. :  
 :  
 Magistrate Judge Clinton E. Averitte, Jr. :  
 et al., :  
 :  
 Defendants. :

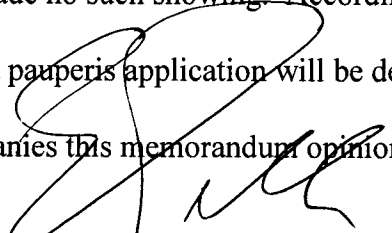
Misc. No.

09-551 EGS

**MEMORANDUM OPINION**

The plaintiff, a prisoner who is barred by 28 U.S.C. § 1915(g) from initiating a civil action in this court without first paying the civil filing fee in full, has filed no complaint as such, but has filed a pro se "Petition for Special Redress or Permission [for] Other Relief" and an application to proceed in forma pauperis. The Court will deny the petition, deny the application to proceed in forma pauperis, and dismiss the case.

Plaintiff seeks relief from the "three strikes" provision of 28 U.S.C. § 1915 (governing persons proceeding in forma pauperis). He advances no particular reason, but simply argues that should be allowed access to the courts. A plaintiff barred by 28 U.S.C. § 1915(g) from filing without first paying in full the filing fee can obtain relief from that provision by stating facts capable of supporting a finding that the plaintiff is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). The plaintiff has made no such showing. Accordingly, the petition will be denied, and the plaintiff's in forma pauperis application will be denied as barred by 28 U.S.C. § 1915(g). A separate order accompanies this memorandum opinion.

  
\_\_\_\_\_  
United States District Judge

Date:

10/5/09

1  
10/5/09