

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DARNELL W. MOON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 12-0416 (RWR)
	)	
FEDERAL BUREAU OF PRISONS,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION**

This matter is before the Court on Defendant’s Motion to Vacate the Court’s Order Granting Plaintiff’s Motion for Leave to Proceed *In Forma Pauperis* and Stay These Proceedings [Dkt. #15].<sup>1</sup> Because a ruling on the motion potentially would dispose of this case, in its October 25, 2012 Order, the Court advised the plaintiff, among other things, of his obligation to file an opposition or other response to the motion. Further, the Order expressly warned the plaintiff that, if he failed to file his opposition by November 26, 2012, the Court would treat the motion as conceded. To date, the plaintiff neither has filed an opposition nor requested additional time to do so. The Court will treat the defendant’s motion as conceded.

Pursuant to the Prison Litigation Reform Act (“PLRA”), unless a prisoner “is under imminent danger of serious physical injury,” he may not proceed *in forma pauperis* if while incarcerated he has filed at least three prior cases that were dismissed as frivolous, malicious, or for failure to state a claim. 28 U.S.C. § 1915(g); see *Ibrahim v. District of Columbia*, 463 F.3d 3, 6 (D.C. Cir. 2006). Plaintiff has accumulated the requisite three strikes. *Moon v. Mo. Div. of*

<sup>1</sup> Plaintiff’s Motion for Teleconference/Video Hearing [Dkt. #17] will be denied as moot.

*Emp't Sec.*, No. 09-4140, 2009 WL 3261920, at \*1 (W.D. Mo. Oct. 5, 2009) (denying leave to proceed *in forma pauperis* and dismissing claims without prejudice pursuant to § 1915(g)); *see Moon v. Nat'l Asset Recovery Servs.*, No. 09-1129 (E.D. Mo. July 28, 2009) (dismissing as frivolous); *Moon v. United States*, No. 09-0006 (E.D. Mo. Feb. 3, 2009) (same); *Moon v. Nat'l Asset Recovery Servs.*, No. 09-0117 (E.D. Mo. Feb. 2, 2009) (same). The plaintiff does not demonstrate that he is now facing an imminent danger of serious physical injury, and therefore he does not fall within the sole exception to the “three strikes” provision of the PLRA. Accordingly, the Court will revoke the plaintiff’s *in forma pauperis* status, vacate the order granting his *in forma pauperis* application, bar the plaintiff from proceeding *in forma pauperis* under 28 U.S.C. § 1915(g) in any future civil action filed in this district, and dismiss this action without prejudice to refiling upon payment in full of the \$350.00 filing fee.

An Order accompanies this Memorandum Opinion.

Signed this 10<sup>th</sup> day of December, 2012.

/s/  
RICHARD W. ROBERTS  
United States District Judge