

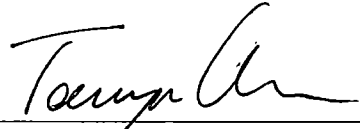
2013) (dismissing case without prejudice as malicious under 28 U.S.C. § 1915(e)(2)(B)(i) for abuse of the judicial process); *Casey v. Scott*, No. 2:12CV2 (M.D. Fla. Jan. 5, 2012) (citing cases and dismissing complaint under 28 U.S.C. § 1915(g)), *aff'd*, No. 12-10646 (11th Cir. Oct. 30, 2012) (per curiam); *see also Casey v. Jones*, No. 2:17CV14073 (S.D. Fla. Mar. 15, 2017) (denying *in forma pauperis* application under 28 U.S.C. § 1915(g)), *appeal dismissed*, No. 17-11771-E (11th Cir. May 15, 2017).

Under these circumstances, plaintiff may proceed *in forma pauperis* only if he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). The Court “assess[es] the alleged danger at the time [plaintiff] filed his complaint,” *Mitchell v. Fed. Bureau of Prisons*, 587 F.3d 415, 420 (D.C. Cir. 2009), and in so doing “construe[s] his complaint liberally and accept[s] its allegations as true,” *id.* (citing *Ibrahim v. District of Columbia*, 463 F.3d 3, 6 (D.C. Cir. 2006)). None of the complaint’s factual allegations demonstrate that plaintiff is in imminent danger of serious physical injury. Rather, plaintiff’s claim arises under the Freedom of Information Act and challenges the Internal Revenue Service’s response to a request he had submitted for information about himself. *See Compl.* at 3 (page number designated by the Court).

The Court will deny plaintiff’s application to proceed *in forma pauperis* and dismiss this civil action without prejudice. The plaintiff may file a motion to reopen this case upon payment in full of the \$350 filing fee.

An Order is issued separately.

DATE: June 15, 2017


United States District Judge