

ORIGINAL

In the United States Court of Federal Claims

Pro Se

FILED

OCT - 1 2015

U.S. COURT OF FEDERAL CLAIMS

JOHN ROBERT DEMOS, JR.,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

No. 15-1058C

(Filed: October 1, 2015)

OPINION AND ORDER

On September 18, 2015, Plaintiff (who is incarcerated) filed a complaint in the United States Court of Federal Claims along with a motion to proceed in forma pauperis. In the federal courts, proceedings in forma pauperis are governed by 28 U.S.C. § 1915. Under § 1915(g), a prisoner may not bring an action proceeding in forma pauperis if the prisoner:

[H]as, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Mr. Demos easily clears this bar. See Final Order, Demos v. United States, No. 07-28C (Fed. Cl. Feb. 22, 2007) (Braden, J.) (discussing nine actions or appeals filed by Mr. Demos that were dismissed as frivolous, malicious, or failing to state a claim upon which relief may be granted, and dismissing his complaint under § 1915(g)); see also Demos v. Keating, 33 F. App'x 918, 919-20 (10th Cir. 2002) (describing Mr. Demos as a "most frequent filer" who had filed over 134 lawsuits throughout the United States as of 2002). Thus, under § 1915(g), he may not bring this action proceeding in forma pauperis.

Accordingly, the Clerk of the Court is directed to DISMISS Plaintiff's complaint without prejudice.

IT IS SO ORDERED.



ELAINE D. KAPLAN
Judge