

Court for the Southern District of Georgia. *See e.g., Gaither v. Epps, et al.*, No. 1:16-cv-103 (S.D.Ga. Oct. 25, 2016) (dismissing action and denying plaintiff's motion to proceed *in forma pauperis*); *Gaither v. Archer, et al.*, No. 3:16-cv-010 (S.D.Ga. Apr. 26, 2016) (same); *Gaither v. Archer, et al.*, 3:15-cv-043 (S.D.Ga. Aug. 25, 2015) (adopting Magistrate Judge's Report and Recommendation that complaint should be dismissed for failure to follow a Court order and for providing dishonest information about his prior filing history).

The United States District Court for the Middle District of Georgia and the United States District Court for the Southern District of Georgia have dismissed each of the aforementioned cases upon the ground that plaintiff's claims were frivolous, that plaintiff failed to state a plausible claim for relief, or that plaintiff was barred from proceeding *in forma pauperis*. *See id.; Gaither*, No. 1:16-cv-73-LJA-TQL, *Gaither*, No. 5:14-cv-260-MTT-CHW; *Gaither*, No. 3:13-cv-0125-CAR-CHW; *Gaither*, No. 3:13-cv-106 (CDL). A careful review of the complaint in this matter also shows that plaintiff has not alleged that he is under imminent threat of serious physical injury in the complaint. *See generally* Compl.

Title 28, United States Code, section 1915(g) provides that:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, 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.

28 U.S.C. § 1915(g)(2012). Because plaintiff has previously brought an action in a court of the United States that has been dismissed upon the ground that the action is either frivolous, malicious, or fails to state a claim upon which relief may be granted, on three or more prior occasions, plaintiff may not proceed with this matter unless he pays the Court's filing fee.

And so, in light of the foregoing, the Court:

1. **DENIES** plaintiff's motion to proceed *in forma pauperis*;
2. **DENIES**, as moot, plaintiff's motion to appoint counsel; and

3. **DISMISSES** the complaint without prejudice¹.

IT IS SO ORDERED.



LYDIA KAY GRIGGSBY
Judge

¹ Plaintiff's \$400.00 filing fee in connection with this action remains due.