

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

RONNY H CROOK,

Plaintiff,

v.

CASE NO. 4:09-cv-00430-MP-AK

MARY FRANCES ABBOTT, et al,

Defendants.

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ORDER

Plaintiff, an inmate of the Florida penal system proceeding *pro se*, has filed an amended civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. 6). Although he was granted leave to proceed in forma pauperis, additional information has been obtained by the Court about Plaintiff's prior filings in the Middle District of Florida, and that Order (doc. 7) granting leave to proceed is hereby VACATED.

The Prison Litigation Reform Act of 1995 (PLRA), which was enacted on April 26, 1996, provides that a prisoner may not bring a civil action *in forma pauperis* under 28 U.S.C. § 1915:

if the prisoner has, on 3 or more 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).

Plaintiff has had three or more prior prisoner actions dismissed in the Middle District of Florida on the grounds that they were frivolous, malicious, or failed to state a claim. The

dismissed cases include cases numbered 3:05cv396-JHM-MCR; 3:05cv545-UA-MMH; 3:04cv1160-UA-MMH; and 3:04cv738-JHM-HTS for failure to exhaust administrative remedies. Such cases fall within the category of failure to state a claim upon which relief may be granted. Rivera v. Allin, 144 F.3d 719, 731 (11th Cir. 1998). Additionally, Plaintiff has had cases dismissed as frivolous, 3:05cv356-TC-MMH, and for failure to be truthful about prior cases, 3:05cv395-HES-HTS; and 3:05cv593-J-16HTS. He has also had one case dismissed in the Northern District of Florida for failure to state a claim, 4:09cv275-RS/WCS.

The latest complaint filed (Plaintiff has filed three complaints each one against different defendants and concerning different incidents) alleges that Defendant searched his laundry for contraband and made "sexual jokes" about Plaintiff in front of other inmates which was embarrassing. These allegations do not bring him within the "imminent danger" exception.

Because Plaintiff has had at least three prior dismissals and is not under imminent danger of serious physical injury, his request to proceed *in forma pauperis* is denied and this action is dismissed. The dismissal is without prejudice to him making the same allegations in a complaint for which he pays the full \$350.00 filing fee at the time of filing the complaint.

Accordingly, it is

ORDERED AND ADJUDGED:

1. That the Order granting leave to proceed (doc. 7) is VACATED.
2. That this cause is DISMISSED WITHOUT PREJUDICE. The Clerk is to note that this dismissal is pursuant to 28 U.S.C. §1915(g).

DONE AND ORDERED this 27th day of April, 2010

s/Maurice M. Paul
Maurice M. Paul, Senior District Judge