

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

KEITH RUSSELL JUDD,	:	
	:	
Plaintiff	:	
	:	
VS.	:	CIVIL ACTION NO. 5:11-CV-233 (CAR)
	:	
STATE OF GEORGIA SECRETARY	:	
OF STATE; STATE OF GEORGIA,	:	
	:	
Defendants	:	
	:	<u>ORDER</u>

Plaintiff **KENNETH RUSSELL JUDD**, a prisoner incarcerated in the Federal Correctional Institute in Texarkana, Texas, filed a *pro se* “Complaint for Declaratory Judgment and Preliminary Injunction; Elections-Voting” in this Court on June 9, 2011. (Doc. 1). In this Complaint, he petitioned the “Court for Declaratory Judgment and Preliminary Injunction with regards to placement of Keith Russell Judd on this State’s 2012 Presidential Primary Election Ballot as a Democratic Candidate for President of the United States.” (Doc. 1). Plaintiff also sought leave to proceed without prepayment of the \$350.00 filing fee or security therefor pursuant to 28 U.S.C. § 1915(a). (Doc. 3).

In an Order dated June 16, 2011, the Court, pursuant to 28 U.S.C. § 1915(g), denied Plaintiff’s motion to proceed *in forma pauperis* and dismissed his action without prejudice.¹ (Doc. 5).

Plaintiff has now filed a “Motion for Total Waiver of Filing Fees and Costs Under Twenty Fourth Amendment.” (Doc. 8). Plaintiff states that he “moves this Court for a total waiver of filing fees and costs pursuant to the Twenty Fourth Amendment providing the right of citizens to vote in Federal Elections ‘shall not be denied or abridged by the United States or any State by reason of

¹The Court explained that the U.S. District Web PACER Docket Report showed that Plaintiff had filed approximately 288 civil actions in various federal courts throughout the United States, as well as hundreds of appeals. More than three of the actions were dismissed as frivolous, malicious, or as failing to state a claim upon which relief could be granted. Additionally, Plaintiff was not qualified for the “imminent danger of serious physical injury” exception of § 1915(g).

failure to pay any poll tax or other tax’.” (Doc. 8). The Court’s June 16, 2011 Order had absolutely nothing to do with anyone’s right to vote. The Court merely found that, pursuant to 28 U.S.C. § 1915 (g), Plaintiff could not proceed *in forma pauperis* in his lawsuit.

To any extent that Plaintiff is claiming the requirement to pay a filing fee violates the Twenty-Fourth Amendment, the Court finds no merit in such an argument. *See Judd v. Sec’y of State of Oregon*, No. 11-6176-HO, (Oregon, Eugene Division, July 15, 2011). The three-strikes provision codified at 28 U.S.C. § 1915 (g) applies to any “civil action” brought by a prisoner. Accordingly, Plaintiff’s “Motion for Total Waiver of Filing Fees and Costs Under Twenty Fourth Amendment” (Doc. 8) is **DENIED**.

Plaintiff has also filed a “Motion to Reopen and Stay Proceedings Pending Decision by Judicial Panel on Multidistrict Litigation No. 2276 to Transfer for Consolidated–Coordinated Proceedings Under 28 U.S.C. § 1407; Class Action Certification Pending.” Plaintiff claims that one of the issues pending in this Multi-District Litigation is “waiver of all fees and filing fees, pursuant to the Twenty Fourth Amendment, and for a determination that the PLRA, 28 U.S.C. § 1915, *et seq.*, is unconstitutional and does not apply to Voting Rights actions.” Plaintiff has completely failed to allege facts or provide authority entitling him to have these proceedings reopened and stayed. *See Judd v. Sec’y of S.D.*, No. 11-4080-KES, 2011 U.S. Dist. LEXIS 77854 at *4 (D. S. D. July 18, 2011)(explaining that district courts have broad discretion to stay proceedings when appropriate to control its docket and denying to stay Judd’s claim because they are “frivolous on their face and because his complaint had not been served upon defendants). Therefore, this Motion (Doc. 10) is also **DENIED**.

SO ORDERED, this 27th day of July, 2011.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

Inb