

FILED IN CHAMBERS
THOMAS W. THRASH JR.
U. S. D. C. Atlanta

JUL 24 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES N. HATTEN, Clerk
By *J. Sewell* Deputy Clerk

JOE CURTIS HARRIS,	:	PRISONER CIVIL RIGHTS
Plaintiff,	:	42 U.S.C. § 1983
	:	
v.	:	
	:	
JAMES DONALDSON, et al.,	:	CIVIL ACTION NO.
Defendants.	:	1:07-CV-1636-TWT

ORDER and OPINION

Plaintiff, Joe Curtis Harris (GDOC Id. No. 317123), confined in Macon State Prison in Oglethorpe, Georgia, has filed this civil action without prepayment of the required filing fee. (Doc. No. 1.) Plaintiff alleges that prison officials (1) were aware of the grievances he filed regarding disciplinary practices, inhumane treatment, and assaults in D. Ray James Prison; (2) failed to take corrective measures; (3) without due process, placed him in segregation where he was exposed to unsanitary conditions; and, (4) thereafter, transferred him to Macon State Prison in retaliation for his having filed grievances. (Id. at 1-4.) Plaintiff also alleges that, before the transfer, an officer “terroristically threatened [him] and discriminated against his religion in practice” by punitively ordering him to “strip[] naked in segregation.” (Id. at 3.)

Section § 1915(g) of Title 28 does not allow a prisoner to bring an in forma pauperis civil action in federal court “if the prisoner has, on 3 or more prior occasions,

while incarcerated . . . , 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.” When § 1915(g) does not allow a prisoner to proceed in forma pauperis, the complaint should be dismissed without prejudice, and, a prisoner wishing to pursue his or her claims must refile the action with full payment of the filing fee. See Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002).

Plaintiff, while incarcerated, has filed at least three civil actions that have been dismissed for failure to state a claim. See Harris v. Morton, 5:06-CV-0035 (S.D. Ga. Jan. 17, 2007); Harris v. Fowler, 5:06-CV-0066 (S.D. Ga. Nov. 27, 2006); Harris v. Blake, 4:98-CV-0212 (S.D. Ga. Nov. 25, 1998). This Court has reviewed Plaintiff’s pleadings and finds no allegation of an imminent threat of serious injury. Thus, Plaintiff may not proceed in forma pauperis, and this case is due to be dismissed.

IT IS ORDERED that Plaintiff is **DENIED** in forma pauperis status.

IT IS FURTHER ORDERED that the instant action is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 23 day of July, 2007.



THOMAS W. THRASH, JR.
UNITED STATES DISTRICT JUDGE