

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DWAYNE GRIFFIN, #N-03392,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 09-cv-1041-DRH
)	
BARACK OBAMA, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Plaintiff Dwayne Griffin, currently a prisoner in the Lawrence Correctional Center, has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. He also seeks to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

A prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 “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). In the Seventh Circuit, a strike may be counted if any portion of an action is dismissed for these enumerated grounds. *See George v. Smith*, 507 F.3d 605, 607-08 (7th Cir. 2007); *Boriboune v. Berge*, 391 F.3d 852, 855 (7th Cir. 2004).

Griffin has had three or more prior prisoner actions dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See, e.g., Griffin*

v. Psexico, Case No. 1:06-cv-02566 (N.D. Ill., dismissed for failure to state a claim June 2, 2006);
Griffin v. Blagojevich, Case No. 06-cv-315-MJR (S.D. Ill., dismissed as frivolous Aug. 8, 2006);
Griffin v. Blagojevich, Case No. 06-cv-318-DRH (S.D. Ill., dismissed as frivolous Jan. 3, 2007)..
Further, the allegations in the instant complaint do not show that Griffin is under imminent danger
of serious physical injury.

Accordingly, the motion for leave to proceed *in forma pauperis* is **DENIED**. This action is
DISMISSED without prejudice to Griffin bringing these claims in a fully pre-paid complaint.

The Clerk shall **CLOSE THIS CASE**.

IT IS SO ORDERED.

DATED: December 28, 2009.

/s/ David R. Herndon

**CHIEF JUDGE
UNITED STATES DISTRICT COURT**