

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE**

**JOHN R. DEMOS**

**PLAINTIFF**

v.

**CIVIL ACTION NO. 3:11CV-438-H**

**KENTUCKY FRIED CHICKEN *et al.***

**DEFENDANTS**

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Plaintiff John R. Demos's prisoner application to proceed without prepayment of the \$350.00 filing fee. Demos, an inmate in the State of Washington, has a well-documented history of filing frivolous and vexatious lawsuits in the various federal district and circuit courts throughout the nation, as well as in the United States Supreme Court. As recognized by the Third Circuit Court of Appeals, "Demos is a litigant with 'three strikes' under 28 U.S.C. § 1915(g)." *Demos v. Bush*, 365 F. App'x 341, 342 (3d Cir. 2010); *see also Demos v. Coca-Cola, Inc.*, No. 3:11-CV 380, 2011 U.S. Dist. LEXIS 87645 (W.D.N.C. Aug. 8, 2011); *Demos v. United States*, No. 2:10-CV-285-DAK, 2010 U.S. Dist. LEXIS 34806 (D. Utah Apr. 7, 2010); *Demos v. United States*, No. 08-6055, 2008 U.S. Dist. LEXIS 93283 (W.D. Ark. Nov. 17, 2008); *Demos v. Doe*, No. 05-5843 (WJM), 2006 U.S. Dist. LEXIS 20028 (D.N.J. Apr. 4, 2006); *Demos v. Doe*, 118 F. Supp. 2d 172, 173 (D. Conn. 2000).

Title 28, United States Code, section 1915 governs proceedings *in forma pauperis*. It provides in pertinent part as follows:

(g) In no event shall a prisoner bring a civil action . . . 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). The only exception to the limitation noted in the statute is if the prisoner is

under imminent danger of serious physical injury. Nothing in the complaint suggests that Demos is “under imminent danger of serious physical injury.” Thus, he is not entitled to proceed *in forma pauperis* in this action.

**Accordingly, within 30 days of entry of this Order Plaintiff John R. Demos must pay the \$350.00 filing fee. He is WARNED that failure to comply with this Order will result in dismissal of this action and his continued obligation for payment of the \$350.00 filing fee.**

Date:

cc: Plaintiff, *pro se*

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