

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**ANDRE WETZEL
VERSUS
SLIDELL POLICE DEPT.**

**CIVIL ACTION
NO. 10-4139
SECTION "A"(3)**

ORDER AND REASONS

Plaintiff, Andre Wetzel, is a prisoner currently incarcerated in the St. Tammany Parish Jail. He is a frequent filer of frivolous lawsuits in the federal courts.¹

Plaintiff filed the instant complaint pursuant to 42 U.S.C. § 1983 against defendants, the Slidell Police Department, Captain Kevin Swann and Detective Robert Chadwick, III, alleging that in April 2009, Captain Swann used excessive force against him to coerce his confession. Plaintiff seeks monetary compensation. (Rec. Doc. No. 1, Complaint, p. 4).

With his complaint, plaintiff submitted an application to proceed in forma pauperis pursuant to Title 28 U.S.C. § 1915. This is a non-dispositive pretrial matter which was

¹ Plaintiff alternates in this complaint between the names Andre Wetzel and Andrew Wetzel.

referred to the undersigned magistrate judge pursuant to Local Rule 72.1 E(b)(1) and Title 28 U.S.C. § 636(b).

The Prison Litigation Reform Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, now codified at Title 28 U.S.C. § 1915(g), provides that a prisoner shall not be allowed to bring a civil action pursuant to § 1915 if he has, on three 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 as frivolous, malicious, or for failure to state a claim for which relief can be granted, unless the prisoner is under imminent danger of serious physical injury.

Despite plaintiff's assertion that he has not begun any other lawsuit while incarcerated or detained in any facility, the court's records establish that plaintiff has filed more than 20 lawsuits in this court alone.² At least four of his prior civil complaints, filed while plaintiff was incarcerated, were dismissed as frivolous and/or for failure to state a claim. These include, but are not limited to, the following: Andrew David Wetzel v. Slidell Police Department, et al., Civil Action No. 09-0014 "J"(3); Andrew David Wetzel v. St. Tammany Parish Jail, et al., Civil Action No. 09-0025 "A"(5); Andrew D. Wetzel v. Hammond Police Department, et al., Civil Action No. 09-0128 "D"(4); Andrew David Wetzel v. Rodney J. Strain, Jr., et al., Civil Action No. 09-7048 "A"(1). He has been barred on numerous occasions from proceeding with his civil complaints

² Plaintiff attempted to file the captioned lawsuit in the United States District Court for the Western District of Louisiana, and claimed that he had not begun any other lawsuits while incarcerated, presumably in an attempt to avoid the three strikes rule. The matter was properly transferred to this court.

as a pauper in this court pursuant to 28 U.S.C. §1915(g). See e.g., Andrew D. Wetzel v. Thomas McNulty, et al., Civil Action No. 10-4014 “J”(4); Andrew D. Wetzel v. Kevin Swann, et al., Civil Action No. 10-4012 “C”(1); Andrew D. Wetzel v. Robert F. Chadwick, III, et al., Civil Action No. 10-4013 “I”(5); Andrew David Wetzel v. Jack Strain, Jr., et al., Civil Action No. 10-3587 “B”(3).

Imminent danger of serious physical injury is not implicated by Wetzel’s claims. Consequently, Wetzel is not entitled to proceed in forma pauperis pursuant to the provisions of the Prison Litigation Reform Act. For the foregoing reasons,

IT IS ORDERED that Andre Wetzel’s motion to proceed in forma pauperis is **DENIED**. 28 U.S.C. § 1915(g).

New Orleans, Louisiana, this 4th day of November, 2010.



DANIEL E. KNOWLES, III
UNITED STATES MAGISTRATE JUDGE