

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LAMONT CEDRIC MALTER

CIVIL ACTION

VERSUS

NO. 12-1525

DETECTIVE KORI KEATON, ET AL.

SECTION "E" (1)

ORDER AND REASONS

Plaintiff, Lamont Cedric Malter, a state prisoner currently incarcerated in the Temporary Detention Center in Orleans Parish, has submitted an application to proceed in forma pauperis in connection with the above-captioned complaint. This is a non-dispositive pretrial matter which was referred to the undersigned United States Magistrate Judge pursuant to Local Rule 72.1(B)(1) and 28 U.S.C. § 636(b).

The Prison Litigation Reform Act ("PLRA"), Pub. L. No. 104-134, 110 Stat. 1321, signed into law on April 26, 1996, now codified at 28 U.S.C. § 1915(g), provides that a prisoner shall not be allowed to bring a civil action pursuant to 28 U.S.C. § 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 on grounds that it was frivolous, malicious, or failed to state a claim for which relief can be granted, unless the prisoner is under imminent danger of serious physical injury.

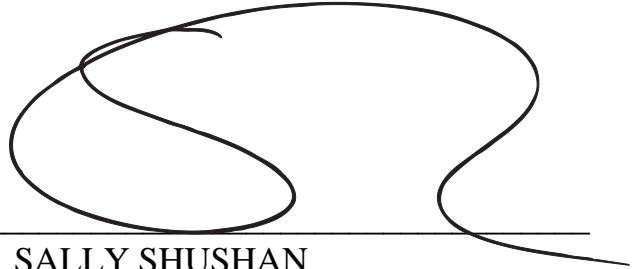
The Court's research revealed that plaintiff has filed four prior civil rights complaints in this court while he was incarcerated. At least three of these actions were dismissed as frivolous or for failure to state a claim for which relief could be granted. He has therefore accumulated three "strikes" under the PLRA. See Lamont C. Malter v. Charles C. Foti, Jr., et al., Civil Action No. 96-0680 "L"(1); Lamont C. Malter v. Charles C. Foti, Jr., Civil Action No. 95-416 "N"(1); Lamont C. Malter v. Charles C. Foti, Jr., Civil Action No. 94-3039 "G"(5). Accordingly, plaintiff may not proceed as a pauper in this action unless he fits within the "imminent danger" exception of § 1915(g).

Plaintiff has filed this complaint pursuant to 42 U.S.C. § 1983, alleging that the defendants made him maneuver his wheelchair down steps during his arrest, which resulted in a fall and injury to his back. (Rec. Doc. No. 1, Complaint). Plaintiff's claims do not relate to his present physical safety, and he has not alleged an imminent danger of serious physical injury. Therefore, plaintiff cannot be allowed to bring this action as a pauper under 28 U.S.C. § 1915. Accordingly,

For all of the foregoing reasons, **IT IS ORDERED** that the plaintiff's application to proceed in forma pauperis is **DENIED** pursuant to 28 U.S.C. § 1915 because plaintiff

has previously filed three or more civil actions or appeals that have been dismissed as frivolous, malicious or for failure to state a claim.

New Orleans, Louisiana, this 18th day of June, 2012.

A handwritten signature in black ink, appearing to read 'SALLY SHUSHAN', written over a horizontal line.

SALLY SHUSHAN
UNITED STATES MAGISTRATE JUDGE