

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

LLOYD RICHARD

CIVIL ACTION

VERSUS

NO: 13-4717

JOSEPH WILKINSON, JR. ET AL.

SECTION: "J"(5)

**ORDER**

Before the Court is Plaintiff Lloyd Richard's **Motion for Review of Magistrate Judge Decision. (Rec. Doc. 3)**

**BACKGROUND FACTS**

Lloyd Richard is a state prisoner incarcerated in the Louisiana State Penitentiary in Angola, Louisiana. On May 24, 2013, Plaintiff filed a *pro se* petition in this Court against Magistrate Judge Joseph Wilkinson, Jr.; Judge Lance Africk; Jason Wixom; Fred Schroeder; T Allen Usery; John Weeks, II; Freeman Matthews; Craig Forsch; Judge Higginbotham; Judge Daves; and Judge Elrod pursuant to 42 U.S.C. § 1983. In his complaint, Plaintiff asserted various claims alleging that Defendants engaged in fraud and conspiracy when prosecuting Plaintiff which deprived him of certain constitutional rights.

On June 10, 2013, the United States Magistrate Judge issued her Order and Reasons denying Plaintiff's application to proceed in forma pauperis. (Rec. Doc. 2) In her order, the Magistrate Judge found that Plaintiff's application must be denied pursuant to 42 U.S.C. § 1915(g) because Plaintiff is not in any imminent danger, and he had previously filed three lawsuits or appeals that were dismissed as frivolous or for failing to state a claim upon which relief can be granted. Id. On June 17, 2013, Plaintiff filed the instant Motion for Leave to Appeal in Forma Pauperis. (Rec. Doc. 3)

#### **LEGAL STANDARD AND DISCUSSION**

Magistrate Judge Chalez cites to 28 U.S.C.A. § 1915, which bars a prisoner from bringing a civil action

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.A. § 1915 (West). This Court agrees the Magistrate Judge's finding that Plaintiff has filed three prior claims that were dismissed as either frivolous or for failing to state a claim upon which relief may be granted.<sup>1</sup> In addition, the Court

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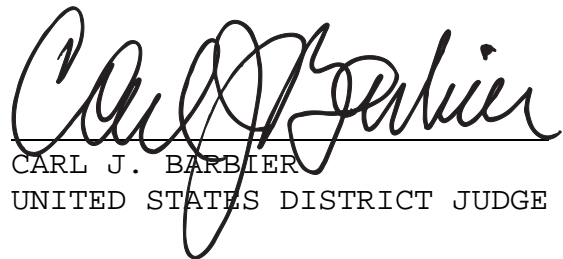
<sup>1</sup> Richard v. Steib, 451 Fed.Appx. 381 (5<sup>th</sup> Cir. 2011), cert. denied, 132 S.Ct. 2715 (2012); Richard v. Kinler, No. 08-cv-4521, 2008 WL 4809472 (E.D. La. Oct. 31, 2008); Richard v. Hubert, No. 99-CV-0297 (W.D. La. July 29, 1999).

agrees that Plaintiff is no imminent danger so as to necessitate the bringing of the instant suit.

**CONCLUSION**

Accordingly, the Court **DENIES** Plaintiff's Motion for Review of Magistrate Judge Decision. (**Rec. Doc. 3**)

New Orleans, Louisiana this 9th day of July, 2013.

  
CARL J. BARBIER  
UNITED STATES DISTRICT JUDGE