

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

**JASON JARRELL SPIKES**

**VERSUS**

**22ND PUBLIC DEFENDERS OFFICE**

**CIVIL ACTION**

**NO. 18-8878**

**SECTION "M"(4)**

**ORDER AND REASONS**

Plaintiff, Jason Jarrell Spikes, is a prisoner currently incarcerated in the David Wade Correctional Center in Homer, Louisiana. He is a frequent filer of frivolous lawsuits in the federal courts. Spikes filed the instant complaint pursuant to 42 U.S.C. § 1983 against the defendants, the Public Defender's Office for the 22nd Judicial District of Louisiana and David Knight, alleging that he received ineffective assistance of counsel during his state criminal proceedings.<sup>1</sup> Broadly construed, he seeks a determination of liability. (Rec. Doc. No. 1, p.5 Complaint).

With his complaint, Spikes submitted an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. This is a non-dispositive pretrial matter which was referred to the undersigned magistrate judge pursuant to Local Rule 72.1(B)(1) and 28 U.S.C. § 636(b).

The Prison Litigation Reform Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321 ("PLRA"), now codified at 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.

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<sup>1</sup>Spikes already has a federal habeas corpus petition pending in this Court. See Civ. Action 18-18884'T'(3).

The Court's records establish that Spikes has filed at least three prior civil complaints, while he was incarcerated, that were dismissed as frivolous and/or for failure to state a claim. These include but are not limited to the following: *Spikes v. McMorris*, Civ. Action 17-17642"H"(3); *Spikes v. Knight*, Civ. Action 17-17638"E"(2); and *Spikes v. Louisiana*, Civ. Action 18-3759"E"(1). He has therefore accumulated three "strikes" under the PLRA.

Under these circumstances, plaintiff may not proceed as a pauper in this action unless he fits within the "imminent danger" exception of § 1915(g). Plaintiff has not alleged, nor does his complaint demonstrate, anything establishing that he is in imminent danger of serious physical injury. Therefore, Spikes is not entitled to proceed *in forma pauperis* pursuant to the provisions of § 1915(g). Accordingly,

**IT IS ORDERED** that Jason Jarrell Spikes's motion to proceed *in forma pauperis* (Rec. Doc. No. 2) is **DENIED** pursuant to 28 U.S.C. § 1915(g).

New Orleans, Louisiana this 28th day of September, 2018.



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**KAREN WELLS ROBY**  
**CHIEF UNITED STATES MAGISTRATE JUDGE**