

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST COURT
MIDDLE DIST OF LA

2009 OCT 28 P 3:54

FELIX A. PRICE (#91688)

VERSUS

CIVIL ACTION

BY DEPUTY CLERK

N. BURL CAIN, ET AL

NUMBER 09-635-RET-DLD

RULING

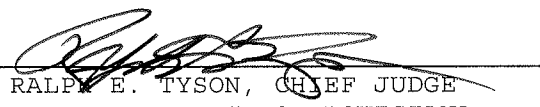
Pro se plaintiff, an inmate confined at Louisiana State Penitentiary, Angola, Louisiana, filed this action pursuant to 42 U.S.C. § 1983 against Louisiana Department of Public Safety and Corrections Secretary James LeBlanc and Warden N. Burl Cain. Plaintiff alleged that security officers at Camp J are indifferent to his safety in violation of his constitutional rights.

Plaintiff's motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 was denied because on three prior occasions during detention, the plaintiff brought an action that was dismissed as frivolous or for failure to state a claim upon which relief can be granted.¹

A review of the record showed that the plaintiff failed to pay the filing fee. Therefore, the plaintiff's § 1983 complaint shall be dismissed without prejudice.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, October 28, 2009.


RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA

¹ Section 1915(g) contains an exception that allows prisoners whose privileges have been revoked to proceed in forma pauperis in cases involving imminent danger of serious physical injury. Plaintiff's claims do not fall under the exception.