

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DONALD WILLIAMS (#93824)

VERSUS

CIVIL ACTION

CHAD MENZINA, ET AL

NO. 11-027-BAJ-SCR

RULING

Pro se plaintiff, an inmate at Hunt Correctional Center, St. Gabriel, Louisiana, filed this action pursuant to 42 U.S.C. § 1983 against Warden Chad Menzina, CSO McGee, Maj. Carl Thomas, Lt. Fail Smothers, Msgt. Henry Jenkins, Sgt. Mary Davis, Msgt. Adams, Lt. Myers, Capt. Warren Lemaire, Lt. Collins, Maj. Felder, Sgt. Stephanie Veal, Lt. B. Sanders and Sgt. Wright. Plaintiff alleged that he was denied outdoor exercise 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.

¹ Section 1915(g) contains an exception that allows prisoners whose privileges have been revoked to proceed in forma pauperis in cases involving imminent danger of serious physical injury.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.

Therefore, the plaintiff's § 1983 complaint shall be dismissed without prejudice.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, March 15, 2011.

A handwritten signature in cursive script, appearing to read "Brian A. Jackson", written over a horizontal line.

BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA