

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

PHILLIP KNIGHT (#118589)

VERSUS

CIVIL ACTION

WARDEN BURL CANE, ET AL

NUMBER 11-320-BAJ-SCR

**RULING**

Pro se plaintiff, an inmate at Louisiana State Penitentiary, Angola, Louisiana, filed this action pursuant to 42 U.S.C. § 1983 against Warden Burl Cain<sup>1</sup>, Cornel Smith, the Main Prison and an unidentified warden. Plaintiff alleged that Smith harassed him by taking away his sheets and blankets during the day and changing the time when his medications are delivered 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.<sup>2</sup>

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<sup>1</sup> Identified as Burl Cane in the complaint.

<sup>2</sup>Section 1915(g) contains an exception that allows prisoners whose privileges have been revoked to proceed in forma pauperis in cases involving imminent danger of serious physical injury.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.

A review of the record showed that the plaintiff has 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, June 22, 2011.



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