

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JERROD A. WILSON (#254839)

VERSUS

CIVIL ACTION

L. BOYD, ET AL

NUMBER 11-728-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 L. Boyd, Patrick Smith, Warden N. Burl Cain and Secretary James. M. LeBlanc. Plaintiff alleged that Boyd threw a note in his cell stating that the plaintiff is a rat and then he and Smith yelled down the tier referring to him as a rat. Plaintiff alleged that the actions of Boyd and Smith may subject him to attack by other inmates. Plaintiff alleged that the defendants' actions violated 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

On October 28, 2011, the plaintiff was granted 21 days from the date of the order to pay the court's filing fee in the amount of \$350.

¹ Section 1915(g) contains an exception that allows prisoners whose privileges have been revoked to proceed in forma pauperis in cases involving imminent danger of serious physical injury.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

A review of the record shows 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, November 28, 2011.



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