

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**LACAL L. WILSON**

**VERSUS**

**N. BURL CAIN, ET AL.**

**CIVIL ACTION**

**NO. 15-700-SDD-RLB**

**ORDER**

This matter comes before the Court on the plaintiff's Motion to Proceed In Forma Pauperis (R. Doc. 5).

The pro se plaintiff, an inmate confined at Louisiana State Penitentiary, Angola, Louisiana, filed this action pursuant to 42 U.S.C. § 1983<sup>1</sup> against N. Burl Cain and "Attorney General State of Louisiana" asserting that his constitutional rights have been violated through deliberate indifference to his serious medical needs.

The statute applicable to the granting by federal courts of in forma pauperis status to inmates in civil proceedings makes clear that the plaintiff is not entitled to proceed as a pauper in this case. 28 U.S.C. § 1915(g) provides:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 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 on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

A review of the records of this Court reflects that the plaintiff has, on three or more prior occasions while incarcerated, brought actions or appeals in the federal court that have been

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<sup>1</sup> The plaintiff filed this action, in the United States District Court for the Eastern District of Louisiana, on a form to be used by prisoners seeking relief under 28 U.S.C. § 2254. Based on the allegations set forth therein, his action was construed as one filed pursuant to 42 U.S.C. § 1983 and transferred to this Court.

dismissed as frivolous, malicious, or for failure to state a claim.<sup>2</sup> Accordingly, because the plaintiff is barred from proceeding in forma pauperis in this case,<sup>3</sup> he is required to pay the full amount of the Court's filing fee. Therefore:

**IT IS ORDERED** that the plaintiff's Motion to Proceed in Forma Pauperis (R. Doc. 5) is denied.

**IT IS FURTHER ORDERED** that the plaintiff is granted twenty-one (21) days from the date of this Order within which to pay \$400.00, the full amount of the Court's filing fee. The filing fee must be paid in full in a single payment. No partial payments will be accepted. Failure to pay the Court's filing fee within 21 days shall result in the dismissal of the plaintiff's action without further notice from the Court.

Signed in Baton Rouge, Louisiana, on May 24, 2016.



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**RICHARD L. BOURGEOIS, JR.**  
**UNITED STATES MAGISTRATE JUDGE**

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<sup>2</sup> Cases filed by the plaintiff while incarcerated that have been dismissed by a federal court as frivolous or for failure to state a claim include, but are not limited to, Lacial Wilson v. Loren McElevans, et al., Civil Action No. 94-3144-MLCF (E.D. La.), Lacial Wilson v. Patrick J. Canulette, et al., Civil Action No. 97-1977-GTP (E.D. La.), Lacial Lucky Wilson v. Chuckie Lee, et al., Civil Action No. 04-0371-SRD (E.D. La.), and Lacial Lucky Wilson v. Carolyn Davenport, et al., Civil Action no. 04-0901-ILRL (E.D. La.).

<sup>3</sup> The Court finds that the allegations of the plaintiff's Complaint do not fall within the exception to the statute.