

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

STEPHEN MURPHY (#34877)

VERSUS

HOMELAND SECURITY, ET AL.

CIVIL ACTION

NO. 15-807-JWD-RLB

ORDER

This matter comes before the Court on the plaintiff's Complaint. (R. Doc. 1).

The *pro se* plaintiff, an inmate incarcerated at the Caddo Correctional Center, Shreveport, Louisiana, filed this action pursuant to 42 U.S.C. § 1983 against Homeland Security, CSX Transportation, Inc., Police Department, Drug Helpline, and the Federal Bureau of Investigation¹ complaining that his constitutional rights have been violated due to colon cancer caused by chemicals sprayed into the Gulf of Mexico, being in a nuclear war zone without pay, a failure to provide a legal defense, false imprisonment, and medical malpractice. The plaintiff has not paid the Court's filing fee.

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.

¹ The plaintiff has also named various phone numbers as defendants.

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

IT IS 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 December 4, 2015.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE

² Cases filed by the plaintiff that have been dismissed by the federal courts as frivolous, malicious, or for failure to state a claim include, but are not limited to, *Stephen Murphy v. George W. Bush*, Civil Action No. 02-0358 (W.D. La.), *Stephen Murphy v. Donald Walter, et al.*, Civil Action No. 02-0548 (W.D. La.), and *Stephen Murphy v. Northwest Airlines, et al.*, Civil Action No. 02-0549 (W.D. La.).

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