

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

RECEIVED  
IN LAKE CHARLES, LA.

MAY 15 2012

TONY R. MOORE, CLERK  
BY     AP     DEPUTY

JOHN W. DOWDELL : DOCKET NO. 2:11 CV 848  
  
VS. : JUDGE MINALDI  
  
ROBERT HENDERSON, ET AL. : MAGISTRATE JUDGE KAY

**ORDER**

Before the court is a *pro se* civil rights complaint filed by John W. Dowdell. Mr. Dowdell is a Louisiana State Prisoner currently incarcerated at the C. Paul Phelps Correction Center in DeQuincy, Louisiana. He complains that he is being unlawfully held in prison. This court entered an order striking his complaint and his Motion to Proceed *In Forma Pauperis* (“IFP”) in this court on September 6, 2011

Mr. Dowdell then filed a Motion to Proceed IFP on Appeal [Doc. 18]. This court granted the motion on May 3, 2012 [Doc. 19]. Further review of United States Courts records reveals that during his incarceration, Mr. Dowdell has filed numerous civil rights lawsuits and appeals in the United States Courts, at least three of which were dismissed as frivolous or for failing to state a claim upon which relief may be granted.<sup>1</sup>

The Prisoner Litigation Reform Act (PLRA) prohibits a prisoner from obtaining IFP status if “on 3 or more prior occasions, while incarcerated or detained in any facility, [the

---


<sup>1</sup> See, e.g., *Dowdell v. Wackenhut*, No. 98-30344 (5th Cir. Apr. 19, 1999); *Dowdell v. Foti*, No. 01-2060 (E.D. La. Jan. 15, 2002); *Mills v. New Orleans City*, No. 02-2519 (E.D. La. May 19, 2004).

prisoner] 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.” 28 U.S.C. § 1915(g). Mr. Dowdell has not alleged that he is currently under imminent danger of serious physical injury, and as stated above, he has accumulated at least three “strikes” against him under the PLRA. He is therefore ineligible to proceed IFP on appeal. Accordingly, it is

ORDERED that this court’s Order [Doc. 19] granting Mr. Dowdell leave to proceed IFP on appeal is hereby VACATED.

IT IS FURTHER ORDERED that Mr. Dowdell’s Motion to Proceed IFP on Appeal [Doc. 18] is DENIED pursuant to 28 U.S.C. § 1915(g).

Lake Charles, Louisiana, this 14 day of May 2012.

  
PATRICIA MINALDI  
UNITED STATES DISTRICT JUDGE