

already had two claims dismissed for frivolity.⁵ A prisoner is barred from proceeding *in forma pauperis* if any three actions have been dismissed on the grounds of frivolity. 28 U.S.C. § 1915(g). The only exception to this bar is if the prisoner is “under imminent danger of serious physical injury.” *Id.* A complaint is frivolous if it lacks an arguable basis in law or fact. *Hutchins v. McDaniels*, 512 F.3d 193, 196 (5th Cir. 2007) (citing *Black v. Warren*, 134 F.3d 732, 734 (5th Cir. 1998)). Therefore, should the plaintiff have another claim dismissed as frivolous, he will be barred from proceeding *in forma pauperis* on future claim with limited exception. Accordingly,

IT IS ORDERED that Darrel Tremaine Carter’s Motion for Leave to Proceed *In Forma Pauperis* [Doc. 2], as amended by his subsequent Motion for Leave to Proceed *In Forma Pauperis* [Doc. 6], be and hereby is **DENIED**.

Lake Charles, Louisiana, this 16 day of October, 2014.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE

⁵ See *Carter v. Calcasieu Parish*, No. 2:13-cv-2324-PM-KK, (W.D. La. Jun. 17, 2014); and *Carter v. Calcasieu Parish*, No. 2:13-cv-02323-JTT-KK, (W.D. La. Jan. 22, 2014).