

RECEIVED
USDC, WESTERN DISTRICT OF LA
TONY R. MOORE, CLERK
DATE 8/10/11

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

DARRYL D. PARKER
LA. DOC #300414

CIVIL ACTION NO. 3:11-cv-0305

SECTION P

VERSUS

JUDGE ROBERT G. JAMES

CHAD LEE

MAGISTRATE JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Pro se plaintiff Darryl D. Parker filed the instant civil rights Complaint pursuant to 42 U.S.C. §1983 on February 22, 2011. Plaintiff is an inmate in the custody of Louisiana's Department of Public Safety and Corrections. He is currently incarcerated at the Richland Parish Detention Center, Rayville, Louisiana; however, when this Complaint was filed he was incarcerated at the Franklin Parish Corrections Center. He sued Warden Chad Lee and alleged that his constitutional rights were violated because the facility did not employ a social worker, because corrections officers interfered with his "legal mail," and because prison authorities failed to respond to his grievances. [Doc. No.1]. Plaintiff applied to proceed *in forma pauperis* and certified that he had accumulated no dismissals of prior prisoner complaints as frivolous, malicious, or for failing to state a claim for which relief could be granted. [Doc. No. 4]. Based upon that assertion and his affidavit of poverty, he was allowed to proceed *in forma pauperis* on March 23, 2011. [Doc. No. 5].

On May 10, 2011, United States Magistrate Judge Karen L. Hayes determined that contrary to his initial assertion, Plaintiff had on numerous occasions, while a prisoner, filed civil rights complaints which were dismissed as frivolous by this Court, the United States District Court for the

Eastern District of Louisiana, and the United States Fifth Circuit Court of Appeals. Since Plaintiff accumulated more than three “strikes” and since Plaintiff did not allege that he was in imminent danger of serious physical injury, the order granting *in forma pauperis* status was revoked and rescinded pursuant to 28 U.S.C. §1915(g). Plaintiff was directed to pay the full filing fee of \$350.00 within 20 days of May 10, 2011 or suffer dismissal of his Complaint. [Doc. No. 7]. On June 6, 2011, Plaintiff filed a hand-written “objection” denying the Magistrate Judge’s finding that he had accumulated more than three “strikes” and reasserting his desire to proceed *in forma pauperis*. [Doc. No. 10].

However, as noted by the Magistrate Judge, Plaintiff has indeed accumulated considerably more than three strikes in this Court, *see Darryl D. Parker v. Chad Lee, et al.*, No. 3:07-cv-1704 at Docs. Nos. 7 and 9; *Darryl D. Parker v. Department of Corrections, et al.*, No. 3:08-cv-1553 at Docs. Nos. 12, 13, and 14; and in the United States District Court for the Eastern District of Louisiana, *see Darryl D. Parker v. Jefferson Parish D.A.’s Office*, No. 2:08-cv-4472 at Doc. No. 6; *Darryl D. Parker v. Butler, et al.*, No. 2:08-cv-4419 at Doc. No. 12; *see also Darryl D. Parker v. Warden Steven Rader, et al.*, No. 2:10-cv-2040 at Doc. No.2 (denying *in forma pauperis* status and listing additional prisoner civil rights complaints filed by Plaintiff and dismissed as frivolous); and in the United States Fifth Circuit Court of Appeals, *see Darryl D. Parker v. Jefferson Parish D.A.’s Office* and *Darryl D. Parker v. Butler, et al.*, No. 09-30357 (appeal dismissed as frivolous and sanction warning issued). Thus, Plaintiff’s Objection [Doc. No. 10] is without merit.

Since Plaintiff has failed to pay the filing fee as directed,

IT IS ORDERED that Plaintiff’s civil rights Complaint is hereby **DISMISSED** and his complaint and associated pleadings are **STRICKEN**.

MONROE, LOUISIANA, this 10 day of August, 2011.

A handwritten signature in cursive script that reads "Robert G. James". The signature is written in black ink and is positioned above a horizontal line.

ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE