

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ALEX REIS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	12-12275-WGY
SPECTRUM HEALTH SYSTEMS, INC.,)	
et al.,)	
)	
Defendants.)	
_____)	

ORDER

YOUNG, D.J.

March 19, 2013

On December 6, 2012, Alex Reis, who is a prisoner at MCI-Shirley, filed a self-prepared civil rights complaint under 42 U.S.C. § 1983 and state law. He later filed an amended complaint. Reis complains that, while participating in a behavior therapy program at MCI-Shirley from June 27, 2012 through October 5, 2012, he was deprived of his rights under the First, Eighth and Fourteenth amendments to the United States Constitution. He seeks compensatory and punitive damages.

A prisoner must be denied in forma pauperis status if he has, on three or more prior occasions, had an action or appeal dismissed on the ground that it was frivolous, malicious, or failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g). Where a prisoner has "three strikes," he may only proceed in forma pauperis if he is "under imminent danger of serious physical injury." Id.

Reis has filed cases in this Court under the name Viktor

Rolf Klein.¹ At least three of these cases have been dismissed upon the Court's conclusion that the case was malicious, frivolous, or failed to state a claim upon which relief may be granted. See Klein v. Geer, C.A. No. 08-11814-MLW (D. Mass. Aug. 16, 2010) (docket entry # 77; granting defendants' motion to dismiss under Fed. R. Civ. P. 12(b)(6)); Klein v. Malone, C.A. No. 09-11174-DPW (D. Mass. Nov. 10, 2011) (electronic order granting defendants' motion to dismiss under Fed. R. Civ. P. 12(b)(6)); Klein v. Tocci, C.A. No. 09-11248-GAO (D. Mass. July 1, 2010) (docket entry #35; order granting defendants' motion to dismiss under Fed. R. Civ. P. 12(b)(6)); Klein v. Owen, C.A. No. 09-11528-JLT (D. Mass. Nov. 2, 2010) (docket entry #36; order granting defendant's motion for judgment on the pleadings); Klein v. Unknown Prison Official #1, C.A. No. 10-10108-JLT (D. Mass. Nov. 2, 2010) (docket entry #60; order granting defendants' motions to dismiss under Fed. R. Civ. P. 12(b)(6)).² Because Reis has incurred three or more "strikes" and does not allege that he "under imminent danger of serious physical injury," the Court must deny his motion to proceed in forma pauperis.

Accordingly, the motion for leave to proceed in forma

¹Reis represents that on November 7, 2012, the Norfolk County Probate Court allowed him to change his name from Viktor Rolf Klein to Alex Julius Reis. See docket entry # 2-1, at 1.

²In Klein v. Owen, C.A. No. 09-11528-JLT and Klein v. Unknown Prison Official #1, C.A. No. 10-10108-JLT, default judgment was also entered against the plaintiff for failing to appear for a scheduling conference. However, in both cases, the Court granted the defendants' motion to dismiss under Fed. R. Civ. P. 12(b)(6) for failure to state a claim for relief.

pauperis (#2) is DENIED WITH PREJUDICE. If the plaintiff wishes to pursue this action, he must, within forty-two (42) days of the date of this order, pay the \$350.00 filing fee.

Further, the motion for emergency relief (#6) is DENIED. It appears that this motion is moot because the plaintiff has successfully filed his amended complaint and several other documents.

SO ORDERED.

/s/ William G. Young
WILLIAM G. YOUNG
UNITED STATES DISTRICT JUDGE