

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RALEEM #211080,

Plaintiff,

v.

Case Number: 16-10343

JOHN W. PRELESNIK, et al.,

Defendants.

ORDER DENYING PLAINTIFF'S APPLICATION TO PROCEED *IN FORMA PAUPERIS* ON APPEAL

Plaintiff Raleem has filed an application to proceed *in forma pauperis* on appeal. (Dkt. # 8.) A party to a district court action who seeks to appeal *in forma pauperis* must file a motion in the district court. Fed. R. App. P. 24(a)(1). An appeal may not be taken *in forma pauperis* if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). "Good faith" requires a showing that the issues raised are not frivolous. *Foster v. Ludwick*, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002).

Plaintiff does not state the basis of his appeal in his application, but he is presumably appealing the court's "Order Denying Plaintiff's Application For Leave To Proceed Without Prepayment Of The Filing Fee And Dismissing Complaint." (Dkt. # 10.) In that order, the court denied Plaintiff's application and dismissed the complaint under the "three strikes" provision of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).

The statute 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.

Id. Plaintiff has filed four prior civil rights complaints that have been dismissed by federal courts for being frivolous, malicious, or for failing to state a claim upon which relief could be granted. (See Dkt. # 4, Pg. ID 78 (collecting cases).) Plaintiff has received notice that he is a “three-striker,” having had several cases dismissed under this provision already. (*Id.*) Plaintiff claims that he was denied his right to practice his religion. He fails to allege any facts to establish that the claimed violations place him in imminent danger of physical injury. *Mulazim v. Michigan Department of Corrections*, 28 F. App’x 470, 472 (6th Cir. 2002). The court concludes that any appeal would be frivolous. Accordingly,

IT IS ORDERED that Plaintiff’s application to proceed without prepayment of fees on appeal (Dkt. # 8) is DENIED. The court CERTIFIES that Plaintiff’s appeal is not taken in good faith.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 22, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 22, 2016, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522