

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

MAURICE CAMPBELL, )

Plaintiff, )

v. )

TRACEY MITCHEM, et al., )

Defendants. )

No. 1:12CV101 SNLJ

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff’s motion to proceed in forma pauperis. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.<sup>1</sup> Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff “is under imminent danger of serious physical injury.”

Plaintiff claims that he is under “imminent danger” due to his chronic allergies. However, the record submitted by plaintiff shows that plaintiff is receiving daily medical treatment for his allergies. And “mere disagreement with treatment decisions does not rise to the level of a constitutional violation.” Estate of Rosenberg v. Crandell, 56 F.3d 35, 37 (8th Cir. 1995). Moreover, there is no indication in

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<sup>1</sup>Campbell v. Rowley, 2:04CV71 JCH (E.D. Mo.); Campbell v. Rowley, 2:03CV21 JCH (E.D. Mo.); and Campbell v. Becton, 4:00CV1100 RWS (E.D. Mo.).

plaintiff's complaint that his chronic and daily allergy conditions evidence the "likelihood of imminent serious physical injury" sufficient to invoke the exception to § 1915(g). See, e.g., Martin v. Shelton, 319 F.3d 1048, 1050 (8th Cir. 2003).

After reviewing the complaint as a whole, the Court finds no allegations that would show that plaintiff is in imminent danger of serious physical injury. As a result, the Court will deny the motion to proceed in forma pauperis and will dismiss this action without prejudice to refile as a fully paid complaint.

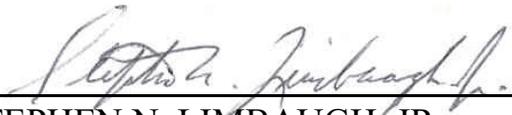
Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **DENIED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED**, without prejudice, pursuant to 28 U.S.C. § 1915(g).

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 10th day of October, 2012.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE