

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

JIM HARRIS, JR., )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 1:15-CV-54-ACL  
 )  
 GEORGE A. LOMBARDI, et al., )  
 )  
 Defendants. )

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for leave to proceed in forma pauperis. Plaintiff, an inmate at the Southeast Correctional Center, 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 was "under imminent danger of serious physical injury" at the time the complaint was filed. See *Martin v. Shelton*, 319 F.3d 1048, 1050 (8th Cir. 2003) (imminent danger of serious physical injury must exist at the time the complaint is filed).

After reviewing the complaint, the Court finds no allegations indicating that plaintiff was in imminent danger of serious physical injury when he filed this action

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<sup>1</sup>See *Harris v. Russell*, No. 4:13-CV-891-TCM (E.D. Mo.); *Harris v. Russell*, No. 4:13-CV-317-JAR (E.D. Mo.); *Harris v. Dodson*, No. 1:12-CV-196-SNLJ; *Harris v. Pemiscot County Sheriff's Dep't*, No. 1:10-CV-151-RWS.

on or about April 2, 2015. As a result, the Court will deny the motion for leave to proceed in forma pauperis and will dismiss this action without prejudice to refiling 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).

**IT IS FURTHER ORDERED** that all remaining pending motions are **DENIED** as moot.

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 14th day of April, 2015.

/s/ Jean C. Hamilton  
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UNITED STATES DISTRICT JUDGE