

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

JOHN R. DEMOS, JR.,)
Plaintiff,)
v.)
U.S. SECRETARY OF DEFENSE,)
Defendant.)
No. 4:12-CV-2398-DDN

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.¹ 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.”

After reviewing the complaint, 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 and will dismiss this action without prejudice to refiling as a fully paid complaint.

Accordingly,

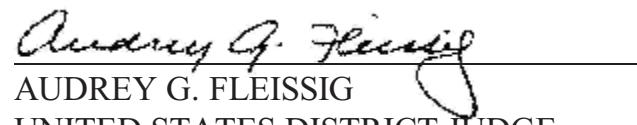
¹See Demos, Jr. v. John Doe, 4:94-CV-1540 GFG (E.D. Mo. Dec. 7, 1994); Demos, Jr. v. Anheuser Busch Brewery, 4:94-CV-1962 WSB (E.D. Mo. Dec. 7, 1994); Demos, Jr. v. John Doe, 4:94-CV-2400 DDN (E.D. Mo. Jan. 30, 1995). Additionally, a review of the United States Party/Case Index reveals that plaintiff has filed a multiplicity of frivolous actions in numerous district and circuit courts across the nation. E.g. Demos v. Gov. of South Dakota, 03-4149 (D. S.D. 2003) (noting that plaintiff has been sanctioned in several circuits and by the Supreme Court for frivolous filings).

IT IS HEREBY ORDERED that Plaintiff's motion to proceed in forma pauperis [ECF No.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 8th day of January, 2013.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE