

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

|                       |   |                   |
|-----------------------|---|-------------------|
| FREDRICK JAMES DAVIS, | ) |                   |
|                       | ) |                   |
| Plaintiff,            | ) |                   |
|                       | ) |                   |
| v.                    | ) | No. 4:13CV793 TIA |
|                       | ) |                   |
| UNKNOWN FREDERICK, ,  | ) |                   |
|                       | ) |                   |
| Defendant.            | ) |                   |

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff’s motion to proceed in forma pauperis [Doc. #2]. 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.”

After reviewing the complaint, the Court finds no allegations that would show that plaintiff is in imminent danger of serious physical injury. Plaintiff’s allegations consist of references to damage that occurred in the past, rather than an “imminent danger” of current harm. As a result, the Court will deny the motion 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**.

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<sup>1</sup>See Davis v. State of Missouri, Case No. 4:08-CV-1481 DDN (E.D. Mo.); Davis v. State of Missouri, Case No. 4:08-CV-1927 CAS (E.D. Mo.); Davis v. Mitchell, Case No. 4:09-CV-439 RWS (E.D. Mo.)

**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 29th day of April, 2013.



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UNITED STATES DISTRICT JUDGE