

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

ROBERT EARL GREEN,	)	
Register No. 189877,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 04-4316-CV-C-NKL
	)	
RHONDA QUIGLEY, et a.,	)	
	)	
Defendants.	)	

**ORDER**

On April 13, 2005, the United States Magistrate Judge recommended dismissing plaintiff's claims, pursuant to 28 U.S.C. § 1915(g). The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

Based on plaintiff's amended complaint and exceptions, the Magistrate Judge vacated his recommendation regarding denial of hernia medication and granted plaintiff leave to proceed in forma pauperis on such claims.

The report and recommendation stands with regard to plaintiff's further claims of retaliation. Alleged threats and denial of legal materials fail to establish imminent danger to plaintiff. Plaintiff's allegations that on one occasion he was threatened with use of pepper spray with regard to a cell shakedown fail to establish plaintiff is in imminent danger. Moreover, as evidenced by his numerous filings with this court, plaintiff is not in imminent danger of being denied access to courts.

The court has conducted a de novo review of the record, including the exceptions and amended complaint filed by plaintiff. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation and subsequent order granting in forma pauperis status. The court is persuaded that the recommendation of the Magistrate Judge should be adopted, in part.

IT IS, THEREFORE, ORDERED that plaintiff's retaliation claims are dismissed, pursuant to the provisions of 28 U.S.C. § 1915. [8]

/s/ \_\_\_\_\_

NANETTE K. LAUGHREY  
United States District Judge

Dated: June 14, 2005  
Jefferson City, Missouri