

**FILED**

**JUN 18 2012**

PATRICK E. DUFFY, CLERK  
By \_\_\_\_\_  
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

JOHN ROBERT DEMOS,	)	CV 12-91-M-DLC-JCL
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
UNITED STATES; STATE OF	)	
WASHINGTON,	)	
	)	
Defendants.	)	
_____	)	

On June 4, 2012, Plaintiff John Robert Demos, a prisoner in the State of Washington, applied to proceed *in forma pauperis* with this action. He contends that he was apprehended from a seagoing vessel in violation of admiralty laws.

United States Magistrate Judge Jeremiah C. Lynch recommends denial of Plaintiff Demos' application to proceed *in forma pauperis* as barred by 28 U.S.C. § 1915(g), which prohibits *in forma pauperis* actions by a prisoner who has filed three or more previous groundless actions in federal court, unless the prisoner can show he is under imminent danger of serious physical injury. Judge Lynch noted


that Plaintiff Demos has filed more than three frivolous and vexatious lawsuits in the federal courts and that he has been deemed “a litigant with ‘three strikes’” by the Third Circuit Court of Appeals. Demos v. President of the United States, 365 Fed. Appx. 341, 342 n.1 (3rd Cir. 2010). Because there is nothing in the proposed complaint to suggest that Plaintiff Demos is in imminent danger of physical injury, Judge Lynch recommends denial of the application to proceed *in forma pauperis*.

This Court reviews the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

The Court can find no clear error with Judge Lynch’s Findings and Recommendations (Doc. No. 3) and therefore adopts them in full.

Accordingly, IT IS HEREBY ORDERED that Plaintiff Demos’ application to proceed *in forma pauperis* is DENIED pursuant to 28 U.S.C. § 1915(g).

DATED this 18th day of June, 2012.

  
\_\_\_\_\_  
Dana L. Christensen, District Judge  
United States District Court