

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUAN BRADLEY,)	8:10CV425
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
JOSEPH F. BATAILLON, LYLE E.)	
STORM, LAURIE SMITH CAMP,)	
RICHARD G. KOPF, and DISTRICT)	
COURT CLERKS, all,)	
)	
Defendants.)	

This matter is before the court on its own motion. On November 16, 2010, the court required Plaintiff Juan Bradley to show cause why he is entitled to proceed in forma pauperis (“IFP”) pursuant to the provisions of [28 U.S.C. §1915\(g\)](#) (“§ 1915(g)”). (Filing No. [7](#).) Juan Bradley filed a document titled “In Response to Memorandum and Order, and Motion for Recusal, for Judge Warren K. Urbom, Whos (sic) a Defendant in a Suite (sic) Stemming from This.” (Filing No. [9](#).) The court has carefully reviewed Juan Bradley’s response and finds that this matter should be dismissed.

I. BACKGROUND

On October 29, 2010, while incarcerated, Juan Bradley filed a Complaint (filing no. [1](#)) and an Application to Proceed Without Prepayment of Fees and Affidavit (filing no. [2](#)). On November 16, 2010, the court determined that Juan Bradley was not permitted to proceed IFP without first meeting the provisions set forth in [§ 1915\(g\)](#). (Filing No. [7](#).) The court based this determination on the finding that Juan Bradley brought the following four frivolous cases while incarcerated:

- Bradley v. Urbom, et al., Case No. 8:92CV54 (D. Neb.), dismissed as frivolous on March 10, 1992.
- Bradley v. The Senate, et al., Case No. 8:92CV96 (D. Neb.), dismissed as frivolous on May 7, 1992.
- Bradley v. U.S. District Court, et al., Case No. 8:92CV127 (D. Neb.), dismissed as frivolous on March 13, 1992.
- Bradley v. Urbom, et al., Case No. 8:92CV188 (D. Neb.), dismissed as frivolous on April 13, 1992.

The court ordered Juan Bradley to either show cause why he is entitled to proceed IFP or pay the full \$350 filing fee. (Filing No. 7.) The court informed Mr. Bradley that if he failed to show cause or pay the \$350 filing fee by December 15, 2010, his case would be dismissed without further notice. (Id. at CM/ECF p. 2.) On November 19, 2010, Mr. Bradley filed a response to the court's November 16, 2010, Memorandum and Order. (Filing No. 9.)

II. ANALYSIS

A prisoner may not bring a civil action and proceed IFP if the prisoner has, on three or more occasions, while incarcerated, brought an action or appeal in federal court that was dismissed because it was frivolous, malicious, or failed to state a claim upon which relief may be granted. § 1915(g). An exception is made for prisoners who are under imminent danger of serious physical injury. Id.

In its November 16, 2010, Memorandum and Order, the court ordered Juan Bradley to show cause why his case should not be dismissed pursuant to § 1915(g). (Filing No. 7.) The court listed four cases brought by Mr. Bradley that were dismissed as frivolous. (Id. at CM/ECF p. 1.) For Juan Bradley to proceed IFP, he needed to show the court that at least two of the four dismissed cases do not meet the

criteria set forth in [§ 1915\(g\)](#) or, alternatively, that he faces imminent danger of serious physical injury.

In his response, Mr. Bradley did not deny that, while incarcerated, he filed four frivolous cases. Instead, Mr. Bradley states that the undersigned Judge “endangered his life” with a “faulty conviction” and that he should “resign from office.” (Filing No. [9](#) at CM/ECF pp. 1, 3.) These general assertions are insufficient to invoke the exception to [§ 1915\(g\)](#). In short, Juan Bradley has not shown that he is entitled to proceed IFP, nor has he paid the full \$350 filing fee. For these reasons, this matter must be dismissed.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

Dated December 15, 2010.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge