

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES EDWARD SHERROD,

8:13CV339

Plaintiff,

v.

**MEMORANDUM
AND ORDER**

DOUGLAS COUNTY NEBRASKA,
and SAMUEL W. COOPER, Esq.,
Deputy County Attorney,

Defendants.

This matter is before the court on Plaintiff’s Motion for Leave to Proceed in Forma Pauperis (“IFP”). (Filing No. [2](#).) Plaintiff is a prisoner incarcerated at the Lincoln Correctional Center in Lincoln, Nebraska. He is an experienced pro se litigant with an extensive history of filings in this court. As set forth in the Prison Litigation Reform Act, a prisoner cannot:

[B]ring a civil action . . . or proceeding [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

[28 U.S.C. §1915\(g\)](#).

This court’s records reflect that Plaintiff must be barred from proceeding IFP by [28 U.S.C. § 1915\(g\)](#). Plaintiff has, on at least three prior occasions while incarcerated, brought cases that were dismissed on the grounds that they were frivolous or failed to state a claim upon which relief may be granted. *See Sherrod v. State of Nebraska, et al.*, No. 4:02CV3129 (D. Neb. March 17, 2003), Filing No. 50 (dismissing amended complaint for failure to state a claim upon which relief may be granted); *Sherrod v. Kenney, et al.*, 4:00CV3322 (D. Neb. March 26, 2001), Filing No. 9 (dismissing

complaint as frivolous); and *Sherrod v. Hopkins, et al.*, No. 4:92CV3178 (D. Neb. Aug. 10, 1992), Filing No. 16 (dismissing complaint as frivolous).

Accordingly, Plaintiff has 30 days from the date of this Memorandum and Order to show cause why this case should not be dismissed pursuant to the provisions of [28 U.S.C. 1915\(g\)](#), or pay the full \$400.00 filing and administrative fees. In the absence of good cause shown, or the payment of the necessary fees, this action will be dismissed.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP (Filing No. [2](#)) is denied.
2. Plaintiff has 30 days from the date of this Memorandum and Order to either show cause why this case should not be dismissed pursuant to 28 U.S.C. § 1915(g) or pay the court's \$400.00 filing and administrative fees.
3. The clerk's office is directed to set a pro se case management deadline in this matter with the following text: December 20, 2013: deadline for Plaintiff to show cause or pay fees.

DATED this 20th day of November, 2013.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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