

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06CV6-3-MU**

CHARLES DEAN WILLINGHAM,)
)
 Plaintiff,)
)
 v.)
)
 AVERY MITCHELL INSTITUTION)
 MAIL ROOM STAFF et. al.,)
)
 Defendants.)
 _____)

ORDER

Plaintiff seeks leave to file this 42 U.S.C. §1983 Complaint in forma pauperis. In his Complaint, Plaintiff alleges that the staff at Avery Mitchell Correctional Institution opened his outgoing mail.

Pursuant to 28 U.S.C. § 1915(g), a prisoner may not bring a civil action under this statute, if on three or more occasions, he has brought an action or an appeal in the federal court that was dismissed as frivolous, malicious, or for failure 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). Court records indicate that Plaintiff has filed at least three previous cases in the Eastern District of North Carolina which have been dismissed as frivolous.¹ Petitioner is well aware of the “three strikes” rule as he has had at least four lawsuits dismissed on this basis.² Moreover, since 1995, Plaintiff has filed a total of nineteen § 1983 complaints, including the instant case, in this district and in the

¹ See Eastern District 5:96-CT-167-H, 5:96-CT-188-BO; 5:98-CT-720-BR.

² See Eastern District 5:00-CT-434; 5:01-CT-693; 5:01-CT-802; 5:01-CT-886

Eastern District.³

Accordingly, Plaintiff is barred from filing this action in forma pauperis, and this suit is dismissed under 28 U.S.C. §1915(g).

³ See Eastern District 5:96-ct-167; 5:96-ct-188; 4:97cv323; 5:00ct434; 5:02ct484; 5:01ct693; 5:98ct720; 5:01ct764; 5:01ct802; 5:97ct839; 5:98ct855; 5:01ct886; 5:96ct1019; Western District 1:96cv37; 5:01cv157; 1:01cv203; 1:98cv261 and 3:01cv508

Signed: January 20, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
Chief United States District Judge

