

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09CV385-3-MU**

RODNEY MOUCELL JONES,)	
)	
Plaintiffs,)	
)	
v.)	
)	
RON MOORE; JASON WILSON;)	
BUNCOMBE COUNTY,)	
)	
Defendants.)	
)	

ORDER

Plaintiff seek leave to file this 42 U.S.C. §1983 Complaint in forma pauperis. Plaintiff named Ron Moore, District Attorney of Buncombe County, Jason Wilson, Public Defender of Buncombe County and Buncombe County as defendants in this case. Plaintiff contends that the defendants have violated his Constitutional rights by conspiring to deny his “federally protected constitutional right to a prompt pre-trial court appearance and/or a state mandated probable cause hearing within fifteen days of his arrest and/or arraignment whose purpose was to determine whether or not probable cause existed for his continued detention on felony warrants.” (Complaint at 13.) Plaintiff asks that this Court issue a declaratory judgment and injunctive relief as well as compensatory and punitive damages. (Complaint at 17-18.)

The Prisoner Litigation Reform Act (“PLRA”) allows the court to dismiss a prisoner’s action “if the prisoner has, on 3 or more occasions, while incarcerated or detained in any facility, brought an action or an appeal in a court of the United States that was dismissed on the grounds that it is 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). This subsection is known as the “three strikes” provision of the PLRA. Court records indicate that Plaintiff has filed at least one case in this Court as well as several cases in this District of South Carolina which have been dismissed as frivolous, malicious, or for failure to state a claim for relief.¹

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

SO ORDERED.

Signed: November 2, 2009



Graham C. Mullen
United States District Judge



¹ See 1:09cv370; 0:2007cv571 (District of South Carolina); 0:00cv1389 (District of South Carolina); 0:07cv1484 (District of South Carolina); 0:00cv3784 (District of South Carolina); 0:01cv3997 (District of South Carolina).