

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Daniel L. Rittner, Sr.,

Case No. 3:10 CV 435

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-vs-

JUDGE JACK ZOUHARY

Jesse Williams,

Defendant.

On March 1, 2010, Plaintiff *pro se* Daniel Rittner filed this *in forma pauperis* action under 42 U.S.C. § 1983 against Allen Correctional Institution (“ACI”) Warden Jesse Williams. Rittner, who is incarcerated at ACI, alleges illegal restrictions on his legal correspondence.

A prisoner is prohibited from bringing a civil action *in forma pauperis* if, on three or more prior occasions, the prisoner brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed 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).

Rittner has, on at least five occasions, filed a civil action failing to state a claim in this Court. *See Rittner v. Kinder*, 3:06 CV 973; *Rittner v. Baker*, 3:05 CV 7188; *Rittner v. Williams*, 3:05 CV 7118; *Rittner v. Dennis*, 3:04 CV 7585; *Rittner v. Baker*, 3:03 CV 7165. As the Complaint in the

instant action does not contain allegations reasonably suggesting he is in imminent danger of serious physical injury, he may not proceed *in forma pauperis*.

Accordingly, this action is dismissed without prejudice. In light of this ruling, Plaintiff's various pending motions (Doc. Nos. 2, 3, 7, 8, 9 11, 12) are denied as moot. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

April 12, 2010