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

Robert Martin,

Plaintiff,

-vs-

Warden Welch, et al.,

Defendants.

Case No. 3:10 CV 1826

MEMORANDUM OPINION AND ORDER

JUDGE JACK ZOUHARY

On August 18, 2010, *pro se* Plaintiff Robert Martin, an inmate at the Toledo Correctional Institution (TCI), filed this *in forma pauperis* civil rights action against TCI Warden Welch and nine other Defendants (Doc. No. 1). The Complaint alleges Defendants have conspired to retaliate against him for filing grievances concerning medical treatment. He asserts this conspiracy has chilled his First Amendment rights and caused him pain and suffering.

Under 28 U.S.C. § 1915(g), an inmate is prohibited from bringing a civil action *in forma pauperis* if, on three or more prior occasions, the inmate has brought an action that was dismissed on the ground that it was frivolous, malicious, or failed to state a claim.

Plaintiff has filed a civil action that failed to state a claim on at least six prior occasions. *See Martin v. Hawkins* (N.D. Ohio 04 CV 2387); *Martin v. Lowery* (S.D. Ohio 04 CV 704); *Martin v. Lowery* (S.D. Ohio 04 CV 641); *Martin v. Ohio Supreme Court* (S.D. Ohio 04 CV 613); *Martin v. Wayne Cnty. Nat'l BankTrust & Inv.* (N.D. Ohio 03 CV 1211); and, *Martin v. Coval* (S.D. Ohio 99 CV 703). Further, the Complaint does not contain allegations which reasonably suggest imminent danger of serious physical injury. Thus, Martin may not proceed *in forma pauperis*, and this case is

appropriate for dismissal. *Rittner v. Kinder*, 2008 WL 3889860 (6th Cir. 2008) (citing *Ciarpaglini v. Saini*, 352 F.3d 328, 330-31 (7th Cir. 2003)).

Accordingly, this action is dismissed with prejudice. Plaintiff's related Motions to Proceed in Forma Pauperis, for Appointment of Counsel, and to Waive Required Copies are denied as moot (Doc. Nos. 2, 3, 4). This 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

November 10, 2010