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

Herbert Anderson,	Case No. 3:13 CV 2609
Plaintiff,	MEMORANDUM OPINION AND ORDER
-vs-	
M. Beightler, et al.,	JUDGE JACK ZOUHARY
Defendants.	

Plaintiff Herbert Anderson, an inmate at the Allen Correctional Institution, filed this *in forma pauperis* action alleging Defendants deprived him of his federal constitutional rights by obstructing his access to legal materials; for certain due process deprivations during a hearing that resulted in rescission of his parole; and in relation to the conditions of his "segregated confinement" (Docs. 1 & 7).

> In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal 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). On at least four prior occasions, and while a prisoner, Plaintiff has filed a civil action in federal court. Each of these four prior filings was dismissed as frivolous or for failure to state a claim. *See Anderson v. City of East Cleveland*, Case No. 1:12 CV 3020, Doc. 16 (N.D. Ohio 2012); *Anderson v. Davidson*, Case No. 3:11 CV 2599, Doc. 5 (N.D. Ohio 2011); *Anderson v. Amawi*, Case No. 1:10 CV 1737, Doc. 6 (N.D. Ohio 2010); *Anderson v. Kagel*, Case No. 2:12 CV

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642, Doc. 6 & 7 (S.D. Ohio 2012). The original and Amended Complaints contain no allegations suggesting Plaintiff is in "imminent danger of serious physical injury."

This Court denies Plaintiff's: Motion to Proceed *in forma pauperis* (Doc. 2); "Motion to Waive Required Number of Copies" (Doc. 3); "Certified Mail Request Pursuant to Civ. R. 4.1" (Doc. 4); and Motion for Sanctions (Doc. 8). The Amended Complaint (Doc. 7) is dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). *See Rittner v. Kinder*, 290 Fed. App'x 796 (6th Cir. 2008).

If Plaintiff wishes to continue this case, he must pay the $400 filing fee within thirty (30) days of the entry of this Order. Plaintiff may move to reopen this case only after paying the filing fee.

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

May 9, 2014