

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FREDERICK BANKS,)	
)	CASE NO. 4:13CV2715
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
GARY ZICKEFOOSE, <i>et al.</i> ,)	
)	<u>MEMORANDUM OF OPINION</u>
Defendants.)	<u>AND ORDER</u>

Pro se Plaintiff Frederick Banks, a federal inmate currently confined at the Northeast Ohio Correctional Center (“NEOCC”) filed this *in forma pauperis* action against Gary Zickefoose, Michael Pugh, the federal Bureau of Prisons, thirteen unknown Bureau of Prisons inspectors, Charles Samuels, and United States Marshals. In the Complaint ([ECF No. 1](#)), Plaintiff alleges that Defendants have not provided him with items and meals he needs to practice his religion. For the reasons stated below, this action is dismissed without prejudice.

Absent imminent danger of serious physical injury, a prisoner is prohibited from bringing a civil action or appealing a judgment in a civil action *in forma pauperis* if, on three or more prior occasions, he 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. [28 U.S.C. § 1915\(g\)](#).

Banks has on at least three prior occasions filed a civil action in federal court that was dismissed as frivolous or for failure to state a claim. *See, e.g., Banks v. Renewal, Inc., No. 13-129, 2013 WL 967959 (W.D. Pa. March 11, 2013)*, adopting report and recommendation, [2013](#)

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[WL 968081, at *2 \(Feb. 11, 2013\)](#) (collecting cases and recommending denial of Plaintiff's motion to proceed *in forma pauperis* under 28 U.S.C. § 1915(g) and dismissal of plaintiff's complaint); [Banks v. Outlaw, No. 2:12-cv-00094 SWW/JTR, 2012 WL 2183038, at *1 \(E.D. Ark. June 14, 2012\)](#) (citing [Banks v. U.S. Marshal, 274 F. App'x 631 \(10th Cir. 2008\)](#)); [Banks v. Pennsylvania, No. 09-1437, 2010 WL 569545 \(W.D. Pa. Jan. 4, 2010\)](#) (denying plaintiff's application to proceed *in forma pauperis* and dismissing action pursuant to three strikes rule set forth in 28 U.S.C. § 1915(g)). There are no allegations in the Complaint ([ECF No. 1](#)) suggesting Plaintiff is in imminent danger of serious physical injury. He may thus not proceed *in forma pauperis*, and this case is subject to summary dismissal. [Rittner v. Kinder, No. 06-4472, 2008 WL 3889860 \(6th Cir. Aug. 20, 2008\)](#).

Accordingly, this action is dismissed without prejudice pursuant to the three strikes rule set forth in [28 U.S.C. § 1915\(g\)](#). If Plaintiff wishes to continue this case, he must within thirty (30) days of the entry of this Memorandum of Opinion and Order: (1) pay the \$400 filing fee in full, noting the above case style and number; and (2) file a motion to reopen the case. 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.

May 30, 2014
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge