

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHNNIE D. YOUNG

CIVIL ACTION

v.

COMMONWEALTH OF PENNA., et al.

NO. 10-1836

M E M O R A N D U M

SANCHEZ, J.

MAY 3, 2010

Plaintiff, an inmate, is seeking to bring a civil action without prepayment of fees. Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he was in imminent danger of serious physical injury at the time that the complaint was filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

There are no allegations in plaintiff's complaint that would suggest that he was in imminent danger of serious physical injury at the time that this action was filed. Furthermore, prior to the filing of the instant case, plaintiff filed four actions, which were dismissed as frivolous.¹

Accordingly, plaintiff's motion to proceed in forma pauperis will be denied.

¹ Civil Action No. 95-6787 was dismissed as frivolous by Order of this Court filed November 2, 1995, Civil Action No. 95-6633 was dismissed as frivolous by Order of this Court filed November 1, 1995, Civil Action No. 95-6631 was dismissed as frivolous by Order of this Court filed November 1, 1995 and Civil Action No. 95-6630 was dismissed as frivolous by Order of this Court filed October 25, 1995.

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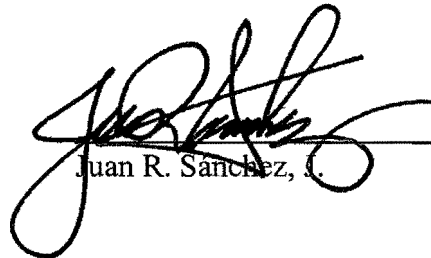
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 3rd day of May, 2010, it is ORDERED Plaintiff Johnnie D. Young's Application to Proceed In Forma Pauperis (Document 1) is DENIED pursuant to 28 U.S.C. § 1915(g).

The Clerk of Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:



Juan R. Sanchez, J.