

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHNNY RAY CHANDLER,	:	CIVIL ACTION NO. 1:12-CV-1513
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
THE UNITED STATES, et al.,	:	
	:	
	:	
Defendants	:	

ORDER

AND NOW, this 13th day of August, 2012, upon consideration of plaintiff's recently filed Bivens¹ action (Doc. 1), in which he seeks to proceed in forma pauperis (Doc. 1, at 5), and upon consideration of the fact that plaintiff has incurred three strikes under 28 U.S.C. § 1915(g), see Ibrahim v. District of Columbia, 208 F.3d 1032 (D.C.Cir. 2000), *cert. denied*, 121 S.Ct. 2249 (June 11, 2001), and it appearing that he is alleging that in enacting 28 U.S.C. § 1915, the defendants entered into a conspiracy to deny prisoners access to the courts, and it further appearing that he does not demonstrate that a threat of danger is real and proximate and, therefore, his claim fails to meet the imminent danger exception, see Abdul-Akbar v. McKelvie, 239 F.3d 307, 312 (3d Cir. 2001)(*en banc*); Lewis v. Sullivan, 279 F.3d 526,

¹Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics, 403 U.S. 388 (1971). Bivens stands for the proposition that "a citizen suffering a compensable injury to a constitutionally protected interest could invoke the general federal-question jurisdiction of the district courts to obtain an award of monetary damages against the responsible federal official." Butz v. Economou, 438 U.S. 478, 504 (1978).

531 (7th Cir. 2002) (finding that the “imminent danger” exception is available “for genuine emergencies,” where “time is pressing” and “a threat . . . is real and proximate”), it is hereby ORDERED that:

1. Plaintiff's request to proceed in forma pauperis (Doc. 1, at 5) is DENIED.
2. Plaintiff's complaint (Doc. 1) is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(g).
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge