

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

JOHNNY RAY CHANDLER, : CIVIL NO. 3:12-CV-0479
Plaintiff :
v. : (Judge Munley)
CAPT. B. TRATE, LT. S.V. HEATH, :
Defendants :

.....

ORDER

AND NOW, to wit, this 19th day of March 2012, upon consideration of plaintiff's recently filed civil rights complaint (Doc. 1), in which he seeks to proceed in forma pauperis (Doc. 2), 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 Fifth Amendment procedural due process violations in connection with his transfer from one cell to another within the Special Management Unit at the United States Penitentiary at Lewisburg, Pennsylvania, and it further appearing that such claims fail to not 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, 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 motion to proceed in forma pauperis (Doc. 2) 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).

**BY THE COURT:**

**s/James M. Munley**  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**