

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

KEITH RUSSELL JUDD §  
VS. § CIVIL ACTION NO. 1:08cv170  
UNITED STATES COURT OF APPEALS §  
FOR THE FIFTH CIRCUIT

MEMORANDUM OPINION

Plaintiff Keith Russell Judd, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brings this action against the United States Court of Appeals for the Fifth Circuit.

Discussion

Plaintiff complains that he has been denied judicial services by the Fifth Circuit Court of Appeals for which he paid \$455. Plaintiff seeks \$455 in damages plus his *pro se* litigation expenses.

Plaintiff did not pay the filing fee when filing this action.

Analysis

Title 28 U.S.C. § 1915(g) prohibits prisoners from repeatedly filing frivolous or malicious complaints. Section 1915(g) provides as follows:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action [*in forma pauperis*] . . . 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.

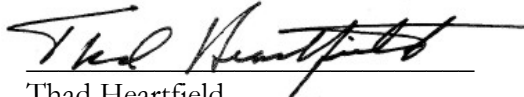
At least three of plaintiff's prior suits or appeals have been dismissed as frivolous or for failure to state a claim.<sup>1</sup> As a result, Section 1915(g) is applicable.

As set forth above, plaintiff has had at least three prior lawsuits or appeals dismissed as frivolous, malicious, and for failure to state a claim upon which relief may be granted. The allegations set forth in plaintiff's complaint do not demonstrate that he was in "imminent danger of serious physical injury." Section 1915(g) therefore bars plaintiff from proceeding with this lawsuit on an *in forma pauperis* basis.

#### Conclusion

For the reasons set forth above, this action will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). An appropriate final judgment shall be entered in accordance with this Memorandum Opinion.

**SIGNED** this the 3 day of April, 2008.

  
Thad Heartfield  
United States District Judge

---

<sup>1</sup> See *Judd v. University of New Mexico*, Appeal No. 97-50242 (5th Cir. Dec. 9, 1997) (appeal dismissed as frivolous); *Judd v. U.S. District Court*, Appeal No. 98-51119 (5th Cir. Apr. 16, 1999) (appeal dismissed as frivolous); *Judd v. U.S. District Court*, Appeal No. 98-51155 (5th Cir. Apr. 16, 1999) (appeal dismissed as frivolous); and *Judd v. U.S.A.*, No. 7:00cv188 (W.D. Va. Mar. 9, 2000) (dismissed as frivolous).