

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

NATHAN D. NEIGHBORS §
VS. § CIVIL ACTION NO. 1:13cv399
ALLSTATE INSURANCE §

MEMORANDUM OPINION

Plaintiff Nathan D. Neighbors, an inmate confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled lawsuit against Allstate Insurance. Plaintiff has submitted documents demonstrating he wishes to proceed with this lawsuit on an *in forma pauperis* basis.

Analysis

On April 26, 1996, the president signed into law the Prison Litigation Reform Act. Pub.L. No. 104-134, 110 Stat. 1321 (1996). 28 U.S.C. § 1915(g), which was created by the Act, 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 three or more occasions ... 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.

Prior to the date on which plaintiff filed this complaint, courts had dismissed at least four lawsuits filed by plaintiff as

frivolous or malicious.¹ As a result, Section 1915(g) is applicable.

The allegations made in the complaint do not demonstrate plaintiff was in "imminent danger of serious physical injury" at the time this lawsuit was filed. Section 1915(g) therefore bars plaintiff from proceeding with this action on an *in forma pauperis* basis. This case will, accordingly, be dismissed.

Conclusion

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

SIGNED this the 13 day of **June, 2013**.



Thad Heartfield
United States District Judge

¹ *Neighbors v. State of Texas*, No. 4:08cv620 (N.D. Tex. Oct. 29, 2008) (dismissed as frivolous); *Neighbors v. Winkle*, No. 4:09cv96 (N.D. Tex. Apr. 17, 2009) (dismissed as malicious); *Neighbors v. Nut*, No. 4:09cv126 (N.D. Tex. Apr. 12, 2009) (dismissed as frivolous); *Neighbors v. Anderson*, No. 4:09cv167 (N.D. Tex. May 12, 2009) (dismissed as frivolous).