

RODNEY LLOYD GRANVILLE,  
TDCJ 361231,  
Plaintiff,

*versus*

ELIZABETH LUMPKIN,  
Defendant.

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CIVIL ACTION H-10-918

### Opinion on Dismissal

Rodney Lloyd Granville sues for civil rights violations. He is in a Texas prison. Granville moves to proceed as a pauper. He has sued five other times in district court. The district court dismissed three of these lawsuits as frivolous or for failure to state a claim recognized at law. *Granville v. Scott, et al.*, 4:93cv2131 (S.D. Tex.); *Granville v. Van Dyke, et al.*, 4:91v2204 (S.D. Tex.); and *Granville v. Drinkard, et al.*, 4:92cv3413 (S.D. Tex.). When Granville sued in these other cases, he was held in prison or jail. The district court dismissed these other cases before Granville filed this case.

The Court of Appeals for the Fifth Circuit has sanctioned Granville for his abuse of the courts. *See Granville v. Drinkard, et al.* (94-20199, 5<sup>th</sup> Cir.). The Court of Appeals found that “Granville’s denial-of-access-to-the-courts claim [was] blatantly and utterly frivolous in light of his 123 visits to the law library” and imposed a sanction of \$100. The Court of Appeals also ordered that Granville “will not be permitted to file any further pleadings, either in the district courts of this Circuit or in this Court, without obtaining leave of court to do so.” *Id.*

A prisoner may not bring a case in federal court as a pauper if, while incarcerated, he brought three actions which the court dismissed as frivolous or for failure to state a claim, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Granville’s allegations here do not show that he is under imminent danger of serious physical injury. Granville has not sought permission

from this Court to file this complaint, as required by the Fifth Circuit's sanction order.

This complaint is dismissed under 28 U.S.C. § 1915(g) and the Fifth Circuit's sanction order. The clerk will send a copy to the District Clerk, 211 West Ferguson, Tyler, Texas 75702, Attention: Manager of the Three-Strikes List.

Signed 3.30, 2010, at Houston, Texas.



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Lynn N. Hughes  
United States District Judge