

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LLOYD WILLARD SHAW,	§	
HC SPN 1027098,	§	
Plaintiff,	§	
v.	§	CIVIL ACTION H-11-2756
	§	
METRO PRIVATE TRANSPORTATION,	§	
Defendant.	§	

OPINION ON DISMISSAL

Plaintiff, a state inmate incarcerated in the Harris County Jail, has filed an incomprehensible complaint pursuant to 42 U.S.C. § 1983 and an incomprehensible application to proceed *in forma pauperis*. (Docket Entries No.1, No.2). Plaintiff, however, has filed at least three suits while incarcerated that were dismissed as frivolous. *See Shaw v. ISF Esmore*, Civil Action No.4:09-3923 (S.D. Tex. Dec. 11, 2009). Therefore, plaintiff may not proceed in federal court as a pauper under the “three-strikes” provision of 28 U.S.C. § 1915(g). Plaintiff’s complaint does not reflect that he is in imminent danger of serious physical injury; therefore, he does not meet the exception to the “three-strikes” provision of § 1915(g). *See Banos v. O’Guin*, 144 F.3d 883, 884 (5th Cir. 1998). Accordingly, he fails to overcome the three strikes bar.

Because plaintiff has not paid the filing fee, the Court ORDERS that this complaint be DISMISSED without prejudice under 28 U.S.C. § 1915(g). Plaintiff may move to reopen this case if he pays the full \$350.00 filing fee within thirty days. All pending motions, if any, are DENIED.

SIGNED at Houston, Texas, this 8th day of August, 2011.


MELINDA HARMON
UNITED STATES DISTRICT JUDGE