

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

TYRONE E. JOHNSON,  
TDCJ 1152671,  
Plaintiff,

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versus

CIVIL ACTION H-13-1944

TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
ET AL  
Defendants.

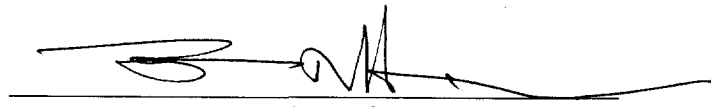
Opinion on Dismissal

Tyrone Johnson sues for civil rights violations. He is held in a Texas prison. He moves to proceed as a pauper. He has sued seven other times in the federal courts in Texas. The district court dismissed at least three of his lawsuits as frivolous or for failure to state a claim recognized at law. See Johnson v. Brown, et al., Civil Action No. H:04-1516 (S.D. Tex. Apr. 22, 2004); Johnson v. Gates., Civil Action No. 1:04-169 (E.D. Tex. May 3, 2004); and Johnson v. Bush, et al., Civil Action No. 1:04-210 (E.D. Tex. Jun. 10, 2004). When Johnson sued in those cases, he was held in prison or jail. The court dismissed these other cases before Johnson filed this case.

A prisoner may not bring a case in federal court as a pauper if, while imprisoned or detained, he brought three cases 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). His allegations here do not show that he is under imminent danger of serious physical injury.

This complaint is dismissed. Johnson may refile his complaint on paying the full filing fee.

Signed July 16<sup>19</sup>, 2013, at Houston, Texas.



Lynn N. Hughes  
United States District Judge