

United States District Court  
Southern District of Texas

**ENTERED**

January 04, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TOAN T TANG,

Plaintiff,

VS.

DIAZ, *et al*,

Defendants.

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CIVIL ACTION NO. 4:16-CV-3119

**MEMORANDUM AND ORDER**

Toan T. Tang has filed a prisoner civil rights complaint. Tang has not paid the filing fee. This action will be dismissed pursuant to the provisions of 28 U.S.C. § 1915(g).

Barring a show of imminent danger, under the Prison Litigation Reform Act of 1995, a prisoner may not file an action without prepayment of the filing fee if he has, on three or more prior occasions, filed a prisoner action in federal district court or an appeal in a federal court of appeals which was dismissed as frivolous or malicious. 28 U.S.C. § 1915(g); *Adepegba v. Hammons*, 103 F.3d 383, 385 (5th Cir. 1996). Tang accumulated at least six such dismissals before filing the pending complaint, and is no longer allowed to proceed *in forma pauperis* pursuant to the provisions of section 1915(g). See *Tang v. O'Leary*, No. 07-11860-WGY (D. Mass. Jan. 24, 2008); *Tang v. Bernard*, No. 08-10025-DPW (D. Mass. June 30, 2008); *Tang v. McGuire*, No. 08-10043-NMG (D. Mass. July 9, 2008); *Tang v. Keefe Commissary Network*, No. 08-11378-WGY (D. Mass. Aug. 15, 2008); *Tang v. McPherson*, No. 08-10675-WGY (D. Mass. Aug. 26, 2008); *Tang v. City of Framingham*, No. 1:07cv11634-WGY (D. Mass. Sept. 4, 2008). Tang's allegations do not plead any facts showing that he is in any immediate danger which would warrant waiver of the fee requirement. See *Choyce v. Dominguez*, 160 F.3d 1068, 1071 (5th Cir. 1998); *Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998).

In light of the pleadings and his litigation history, Tang has failed to show that he is eligible to proceed as a pauper. Consequently, this action should be dismissed pursuant to 28 U.S.C. § 1915(g).

The court ORDERS that the Prisoner Civil Rights Complaint (Docket Entry No. 1), filed by Toan T. Tang is DISMISSED. 28 U.S.C. § 1915(g). The Clerk is directed to provide a copy of this Memorandum Opinion and Order to the parties.

SIGNED on this 4<sup>th</sup> day of January, 2017.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge