

United States District Court  
Southern District of Texas

**ENTERED**

September 16, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

LLOYD WILLARD SHAW,  
(Inmate #01027098)

Plaintiff,

vs.

INTERNAL REVENUE SERVICE, *et al.*,

Defendants.

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CIVIL ACTION NO. H-22-3076

**MEMORANDUM OPINION AND ORDER**

Lloyd Willard Shaw, (Inmate # 01027098), is a pretrial detainee in the Harris County Jail. He has filed a rambling and barely legible civil rights action under 42 U.S.C. § 1983 that appears to name the U.S. Marshal’s Office, the Internal Revenue Service, and the Harris County Clerk as defendants. (Docket Entry No. 1). It is not clear from the pleading what actions these defendants took against Shaw or what relief he is seeking. Because Shaw has not paid the filing fee, and because he is not eligible to proceed in this action without prepaying the fee, this case is dismissed.

Shaw’s action is governed by the Prison Litigation Reform Act, which was enacted, in part, to prevent prisoners from abusing the privilege of proceeding without prepaying the filing fee. *See Coleman v. Tollefson*, 575 U.S. 532, 535 (2015) (citing *Jones v. Bock*, 549 U.S. 199, 204 (2007)). Under the “three-strikes rule” established in the PLRA, a prisoner may not bring a civil action without prepaying the filing fee if three or more of his civil actions or appeals, filed while he was incarcerated, have been dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, unless he is in “imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

Court records reflect that, while he has been incarcerated, Shaw has filed more than three civil actions that have been dismissed as frivolous or for failure to state a claim upon which relief could be granted. *See, e.g., Shaw v. Woodforest Nat'l Bank*, No. H-09-3242 (S.D. Tex. Oct. 8, 2009); *Shaw v. TDCJ Corr. Office, et al.*, No. H-05-2369 (S.D. Tex. Sept. 14, 2005); *Shaw v. Daigle*, No. H-99-1388 (S.D. Tex. July 19, 1999); *Shaw v. N. Forest Chamber of Commerce*, No. H-96-3586 (S.D. Tex. Oct. 21, 1996). As a result, Shaw may not proceed with this civil action without prepaying the filing fee unless his pleadings show that he is in imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g); *Baños v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998) (per curiam). Shaw's complaint does not allege that he is in imminent danger of serious physical injury. His action is barred by the three-strikes rule unless he prepays the applicable filing fee.

Shaw's complaint, (Docket Entry No. 1), is dismissed without prejudice under 28 U.S.C. § 1915(g). Any pending motions, including his motion to proceed without prepayment of the filing fee, (Docket Entry No. 2), are denied as moot. Shaw may move to reinstate this case only if he prepays the full amount of the filing fee for a civil action (\$402.00) within 30 days from the date of this order. The court certifies that any appeal from this order is not taken in good faith for purposes of 28 U.S.C. § 1915(a)(3). **The Clerk will provide a copy of this order to the Manager of the Three Strikes List for the Southern District of Texas at: [Three Strikes@txs.uscourts.gov](mailto:ThreeStrikes@txs.uscourts.gov).**

SIGNED on September 15, 2022, at Houston, Texas.



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Lee H. Rosenthal  
Chief United States District Judge