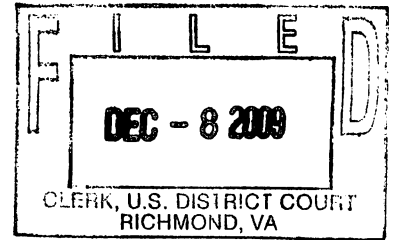


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



JOHN ROBERT DEMOS,

Plaintiff,

v.

Civil Action No. 3:09cv603

PLYMOUTH COMPANY, et al.,

Defendants.

**MEMORANDUM OPINION**

John Robert Demos, a Washington state inmate, submitted this action and requested leave to proceed in forma pauperis. A prisoner is precluded from proceeding in forma pauperis:

[I]f the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). As set forth in Demos v. U.S. Dist. Court for the E. Dist. of Wash., 925 F.2d 1160 (9th Cir. 1991), throughout Demos's incarceration, he has filed dozens of civil actions that have been dismissed as frivolous. Demos's current complaint does not suggest that he is in imminent danger of serious physical harm. Because Demos's complaint did not demonstrate that he was in imminent danger of serious physical harm, by Memorandum Order entered on October 13, 2009, the Court denied Demos's request to proceed in forma pauperis and directed Demos to pay the full

\$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven (11) days have elapsed since the entry of the October 13, 2009 Memorandum Order and Demos has not paid the full filing fee. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk of the Court is DIRECTED to send a copy of the Memorandum Opinion to Demos.

An appropriate Order shall accompany this Memorandum Opinion.

\_\_\_\_\_/s/ REP\_\_\_\_\_  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: December 7, 2009