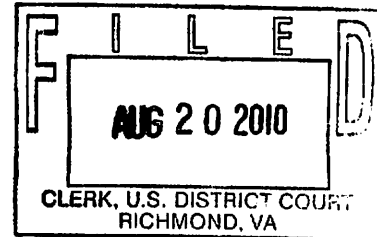


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



KELVIN D. GOODE,

Plaintiff,

v.

Civil Action No. 3:10CV57

CIRCUIT COURT OF THE COUNTY OF CHESTERFIELD,

Defendant.

MEMORANDUM OPINION

Kelvin D. Goode, a federal inmate proceeding pro se, submitted this action and has requested leave to proceed in forma pauperis. The pertinent statute provides:

In no event shall a prisoner bring a civil action [in forma pauperis] if 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). Goode has at least three other actions that have been dismissed as frivolous or for failure to state a claim. See, e.g., Goode v. Tucker, No. 6:09cv00387, 2010 WL 1542523, at \*3-4 (E.D. Ky. Apr. 16, 2010); Goode v. Abbasi, 3:07cv207 (E.D. Va. Jan. 18, 2008); Goode v. Barry, No. 3:05cv405 (E.D. Va. Feb. 10, 2006); Goode v. Horan, No. 3:05cv69 (E.D. Va. Aug. 12, 2005). Goode's current complaint about the deprivation of his driving privileges does not suggest that Goode is in imminent danger of serious physical harm. Accordingly, by Memorandum Order entered on June 11, 2010, the Court denied Goode's request to proceed in forma

pauperis and directed Goode to pay the full \$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven days have passed since the entry of that Memorandum Order and Goode has not paid the filing fee. Instead, Goode contends that: (1) he did not file Goode v. Horan, No. 3:05cv69 (E.D. Va. Aug. 12, 2005); (2) the Court failed to notify him of the dismissal of Goode v. Abbasi, 3:07cv207 (E.D. Va. Jan. 18, 2008); and, (3) the Court cannot count Goode v. Tucker, No. 6:09cv00387, 2010 WL 1542523, at \*3-4 (E.D. Ky. Apr. 16, 2010) because he is currently appealing the dismissal of that case. All of Goode's contentions lack merit.

First, the Court has reviewed the record for Goode v. Horan, No. 3:05cv69 (E.D. Va. Aug. 12, 2005) and the handwriting on the complaint and signature on the complaint matches Goode's in the present action.

Second, the Court sent the final order in Goode v. Abbasi, 3:07cv207 (E.D. Va. Jan. 18, 2008) to the address Goode had provided the Court. Goode fails to explain why his lack of receipt would preclude the Court from counting that action as a strike.

Third, Goode fails to explain why the fact that he is appealing the decision in Goode v. Tucker, No. 6:09cv00387, 2010 WL 1542523, at \*3-4 (E.D. Ky. Apr. 16, 2010) precludes this Court from counting the dismissal of that action as a strike.

Goode's motion to reconsider the decision to deny him leave to proceed in forma pauperis (Docket No. 12) will be DENIED.

Because Goode has not paid the filing fee, the action will be DISMISSED WITHOUT PREJUDICE. Goode's motion to change venue (Docket No. 13) will be DENIED.

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

An appropriate Order shall accompany this Memorandum Opinion.

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

Richmond, Virginia  
Date: August 19, 2010