

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

JOHN ROBERT DEMOS, JR.,

Plaintiff,

v.

Civil Action No. 3:12CV426

STATE OF WASHINGTON, et al.,

Defendants.

MEMORANDUM OPINION

John Robert Demos, Jr., a Washington state inmate, submitted this civil action and applied 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). Demos has scores of actions or appeals that have been dismissed as frivolous, malicious or for failure to state a claim upon which relief could be granted. See Demos v. Keating, 33 F. App'x 918, 919-20 (10th Cir. 2002). Demos's current complaint does not demonstrate that he is in imminent danger of serious physical harm.

By Memorandum Order entered on July 6, 2012, this Court denied Demos's request to proceed in forma pauperis and ordered

him to submit the full filing fee within eleven (11) days of the date of entry thereof. Demos failed to respond to the July 6, 2012 Memorandum Order. Accordingly, this action will be dismissed without prejudice. See Fed. R. Civ. P. 41(b).

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

It is so ORDERED.

/s/ *REP*

Robert E. Payne
Senior United States District Judge

Date: *October 3, 2012*
Richmond, Virginia