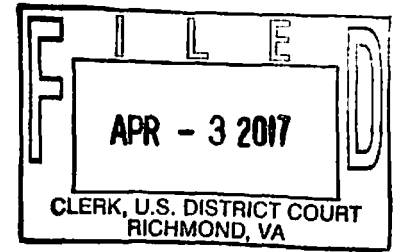


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



KELVIN J. MILES,
Plaintiff,

v.

Civil Action No. 3:17CV175

RICHARD L. LANHAM, et al.,
Defendants.

MEMORANDUM OPINION

Kelvin J. Miles, a federal 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). Miles has at least three actions that have been dismissed as frivolous, malicious or for failure to state a claim upon which relief could be granted. See Miles v. Md. Parole Comm., No. AW-08-2295, 2008 WL 7706613, at *3 n.3 (D. Md. Sept. 24, 2008) (citations omitted).

Miles's current complaint does not demonstrate that he is in imminent danger of serious physical harm. Instead, Miles

makes a fantastic claim that "Deputy Senior U.S. Marshal Richard L. Lanham has been following" and harassing Lanham since 1979. (Compl. 5 (capitalization corrected).) Accordingly, this Court will dismiss the action without prejudice to Miles refiling of the action accompanied by the full \$400.00 filing fee.

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

It is so ORDERED.

Date:

Richmond, Virginia

April 3, 2017

/s/ REP

Robert E. Payne
Senior United States District Judge