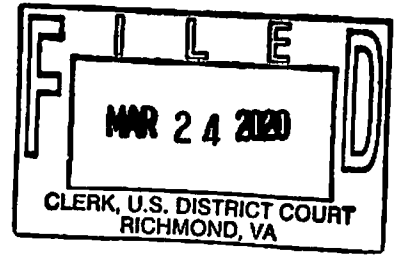


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JOSEPH A. DANIELS,)
)
Plaintiff,)
)
v.)
)
ADRIANNE L. BENNETT,)
)
Defendant.)

Civil Action No. 3:20CV154-HEH

MEMORANDUM OPINION
(Dismissing Action Because Plaintiff has Three Strikes)

Plaintiff, a Virginia inmate, has submitted this civil action pursuant to 42 U.S.C. § 1983 challenging his status as parole ineligible. However, Plaintiff may not file an action in this Court *in forma pauperis* because he is barred by 28 U.S.C. § 1915(g). 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). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See, e.g., Daniels v. Caldwell*, No. 3:14CV856, 2015 WL 7283121, at *2 (E.D. Va. Nov. 16, 2015); *Daniels v. Jarratt*, No. 3:13CV440, 2014 WL 12654876, at *1 (E.D. Va. July 22, 2014); *Daniels v. Caldwell*, No. 3:11CV461, 2013 WL 6713129, at *4 (E.D. Va. Dec. 18, 2013).

Plaintiff's current submission does not suggest that he is in imminent danger of serious

physical harm. Accordingly, any request to proceed *in forma pauperis* will be DENIED.
The action will be DISMISSED WITHOUT PREJUDICE.

Plaintiff remains free to submit a new complaint with the full \$400 filing fee. The full \$400 fee must be filed with any new complaint or the Court will dismiss the action. The Court will process any new complaint as a new civil action.

An appropriate Order shall accompany this Memorandum Opinion.



/s/

HENRY E. HUDSON
SENIOR UNITED STATES DISTRICT JUDGE

Date: March 24, 2020
Richmond, Virginia