

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

<b>DON W. MCKINNEY,</b>	)	
	)	
	)	
Plaintiff,	)	
	)	Case No. 2:17CV00018
	)	
v.	)	<b>OPINION</b>
	)	
<b>UNITED STATES DISTRICT COURT,</b>	)	By: James P. Jones
<b>ET AL.,</b>	)	United States District Judge
	)	
Defendants.	)	

*Don W. McKinney, Pro Se Plaintiff.*

In this pro se action, the plaintiff seeks to proceed in forma pauperis. Based upon the affidavits filed by the plaintiff in other cases filed by him, I will allow his pleading, which I treat as a Complaint under 42 U.S.C. § 1983, to be filed without the payment of the filing fee, pursuant to 28 U.S.C. § 1915(a)(1). However, upon examination of the Complaint and other materials filed by the plaintiff, I will dismiss the case.

In October 1993, McKinney was arrested on a criminal charge and a probation violation charge and he was detained until February 1994. He eventually pleaded not guilty by reason of insanity and has been thereafter confined in mental health institutions from time to time. Since then, he has filed numerous pro se

actions in this court complaining of his attorney's advice and other proceedings in the state criminal case.<sup>1</sup> In this, his latest action, he also complains of a state civil action filed in 2006 involving the sale of land in which he claimed an interest. He also requests that a local mental health agency be enjoined from prescribing him medication.

The only identifiable defendants named by him in the present action are this court, as well as the state circuit court.

It is apparent that the plaintiff has failed to state a claim on which relief may be granted and accordingly, his action will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

DATED: June 13, 2017

/s/ James P. Jones  
United States District Judge

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<sup>1</sup> The court's records indicate that since 1993 McKinney has filed approximately 35 separate cases, most involving the state criminal prosecution. The actions come on a regular basis, usually once or twice a year.