

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

AUG 24 2006

JOHN F. CORCORAN, CLERK
BY: *J. Clift*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

WAYNE THOMAS JOHNSON,)	
Plaintiff,)	Civil Action No. 7:06CV00502
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
SAMUEL EDWARD SPREHE,)	By: Hon. Glen E. Conrad
Defendant.)	United States District Judge

Plaintiff Wayne Thomas Johnson, a North Carolina inmate proceeding pro se, has filed this civil rights action under 42 U.S.C. § 1983. Johnson has also applied to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915(b).

Court records indicate that Johnson has been advised on at least three prior occasions that he has “three strikes” for purposes of 18 U.S.C. § 1915(g): Johnson v. Langley, 1:06cv00221 (M.D.N.C., March 12, 2006); Johnson v. Trader, 5:05cv00250 (E.D.N.C. Sept. 28, 2005); and Johnson v. Jackson, 1:03cv00130 (W.D.N.C., Sept. 24, 2003). Therefore, he may not proceed with this action unless he either pays the \$350.00 filing fee or demonstrates that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). Because Johnson has neither paid the filing fee nor demonstrated any imminent danger of serious physical harm, the court will deny his request to proceed in forma pauperis and dismiss this action without prejudice, pursuant to § 1915(g).

The Clerk is directed to send certified copies of this memorandum opinion and the accompanying order to Johnson.

ENTER: This 24th day of August, 2006.

Glen E. Conrad

United States District Judge