

FILED
for Roanoke
JUN 28 2011

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

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

GLENN CALVIN LAWHORN, JR.,)
Plaintiff,)

Civil Action No. 7:11-cv-00114

v.)

MEMORANDUM OPINION

L.J. AYERS, et al.,)
Defendants.)

By: Hon. Jackson L. Kiser
Senior United States District Judge

Plaintiff Glenn Calvin Lawhorn, Jr., a Virginia inmate proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983 with jurisdiction vested in 28 U.S.C. § 1343. Plaintiff did not pay the \$350 filing fee with his complaint. See 28 U.S.C. § 1914(a). Plaintiff had at least three non-habeas civil complaints or appeals previously dismissed as frivolous or for failing to state a claim upon which relief may be granted. See Lawhorn v. Angelon, et al., No. 98-6448 (4th Cir. Jun. 12, 1998) (order denying plaintiff leave to proceed on appeal via the PLRA and requiring plaintiff to pay total filing fee).

After reviewing plaintiff's submissions in this civil action, it is clear that plaintiff does not allege any facts indicating that he is currently under any imminent threat of any serious physical injury within the meaning of 28 U.S.C. § 1915(g). Based on the foregoing and the complaint, I find that plaintiff fails to demonstrate any imminent danger of serious physical harm in the complaint and did not paid the \$350.00 filing fee despite being previously advised of having three strikes. See 28 U.S.C. § 1914(a). Accordingly, I dismiss the complaint without prejudice for failing to pay the filing fee at the time of filing the complaint.

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

ENTER: This 28th day of June, 2011.

[Signature]
Senior United States District Judge