

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

JAIME LUEVANO, Petitioner,)	
)	Civil Action No. 7:12cv00275
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
U.S. SUPREME, et al.,)	By: Norman K. Moon
Respondent.)	United States District Judge

Plaintiff Jaime Luevano, a Texas prisoner proceeding *pro se*, filed this petition for “writ of mandamus to compel investigation.” Luevano has not submitted a filing fee with his petition and, therefore, the court liberally construes his action as a request to proceed *in forma pauperis*. However, at least three of Luevano’s previous actions or appeals have been dismissed as frivolous or for failure to state a claim upon which relief may be granted.¹ Therefore, Luevano may not proceed with this action unless he either pays the \$350.00 filing fee or shows that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

As Luevano has neither prepaid the filing fee nor demonstrated that he is “under imminent danger of serious physical injury,”² the court dismisses his complaint without prejudice pursuant to 28 U.S.C. § 1915(g).

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to the plaintiff.

ENTER: This 19th day of July, 2012.



 NORMAN K. MOON
 UNITED STATES DISTRICT JUDGE

¹ See Luevano v. Bd. Of Disciplinary Appeals, et al, 5:08cv107 (W.D. Tex. Mar. 20, 2008 (dismissed with prejudice as frivolous and for failure to state a claim; no appeal was taken); Luevano v. Perry, et al, 1:07cv1026 (W.D. Tex. Jan. 18, 2008) (dismissed as frivolous; no appeal was taken); Luevano v. Chief John Doe, 1:07cv1025 (W.D. Tex. Jan. 18, 2008) (dismissed as frivolous; no appeal was taken).

² Luevano names the United States Supreme Court, the Fifth Circuit, “U.S. Texas judges,” and Texas state judges as respondents to this action and asks the court to “compel investigation in[to] . . . the ongoing problem that the U.S. Supreme [Court] . . . keep[s] sending the same reply back [to Luevano] and the Circuit of Fifth [sic] that didn’t file the appeals of Texas to protect and cover-up a vast massive family ring mob . . . in El Paso, Texas . . . for over 4 years. . . .” Luevano attaches a copy of a letter to him from the Supreme Court of the United States dated December 13, 2007, which states that Luevano’s petition for writ of certiorari was received by the Court but that it was being returned to him because he must first seek review by a United States court of appeals or by the highest state court in which a decision could be had. The court finds that Luevano has not demonstrated that he is in imminent danger of serious physical harm.