

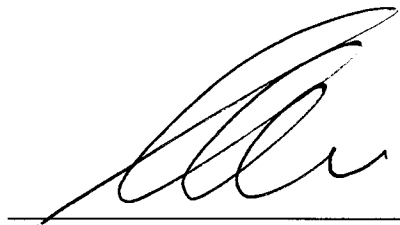


Were that not enough, this court has dismissed, pursuant to 28 U.S.C. § 1915A(b)(1), at least three of Showalter's previous actions.<sup>1</sup> Section 1915(g) of Title 28 provides that a prisoner may not bring a civil action without prepayment of the required \$350.00 filing fee

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.

Showalter has neither paid the filing fee, nor shown that he is "under imminent danger of serious physical injury." § 1915(g). Accordingly, the court dismisses his complaint without prejudice. If Showalter wishes to bring an action in this court, he must file a short and plain statement of the claim showing that (1) he is entitled to relief and (2) that he is under imminent danger of serious physical injury, with only enough factual support to render his claim plausible.<sup>2</sup>

**ENTER:** January 31, 2013.



UNITED STATES DISTRICT JUDGE

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<sup>1</sup> See Showalter v. Johnson, No. 7:08cv276 (W.D. Va. Oct. 29, 2010); Showalter v. Mussleman, No. 7:99cv00293 (W.D. Va. June 28, 1999); Showalter v. Commission, No. 7:96cv00127 (W.D. Va. February 8, 1996). Showalter has filed at least fifteen civil actions in this court, and the court has twice warned him about his pattern of abusive and frivolous litigation. See Showalter v. Jabe, 7:11cv00333, at n.2 (W.D. Va. July 13, 2011) (discussing the 194-page complaint Showalter filed in that case).

<sup>2</sup> Showalter has included with his complaint a motion, pursuant to 28 U.S.C. § 455, for the undersigned's recusal. A district judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). A judge must also disqualify himself "where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding." § 455(b)(1). Here, Showalter's allegations of partiality, prejudice, and bias all stem from this court's prior dispositions of his claims. "[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion." Liteky v. United States, 510 U.S. 540, 544 (1994). Accordingly, the court finds no grounds for recusal and denies the motion.