

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

<b>TROY MATTHEW JACKSON,</b>	)	
	)	
Plaintiff,	)	Case No. 7:14CV00386
	)	
v.	)	<b>OPINION</b>
	)	
<b>DET. COLMEN,</b>	)	By: James P. Jones
	)	United States District Judge
Defendant.	)	

*Troy Matthew Jackson, Pro Se Plaintiff.*

The plaintiff, proceeding pro se, has filed a civil rights action under 42 U.S.C. § 1983, alleging that after a boy hit the plaintiff with a baseball bat, the defendant police detective did not allow the plaintiff to bring a criminal charge against the boy. The plaintiff has not prepaid the necessary filing fee to proceed with this action and moves to proceed in forma pauperis. Upon review of the record, I find that this lawsuit must be summarily dismissed under 28 U.S.C. § 1915(g).

Under 28 U.S.C. § 1915, all prisoner litigants suing government officials must pay filing fees in full, either through prepayment or through installments. § 1915(b). Section 1915(g) denies the installment payment method to prisoners who have “three strikes” — those prisoners who have had three previous cases or appeals dismissed as frivolous, malicious, or for failure to state a claim — unless

the three-striker inmate shows “imminent danger of serious physical injury.”  
§ 1915(g).

According to court records, Jackson has brought such actions or appeals on three or more occasions, including *Jackson v. Winchester Circuit Court Judge*, No. 7:10CV00098 (W.D. Va. Mar. 10, 2010) (dismissed under § 1915(g) for three strikes) (citing three prior cases dismissed as frivolous: *Jackson v. Burgess, et. al.*, No. 2:03CV00514 (E.D. Va. July 28, 2003); *Jackson v. Sprid*, No. 7:02CV01235 (W.D. Va. Oct. 7, 2003); and *Jackson v. CFW Adult Reg. Det. Ctr, et. al.*, 7:03CV00160 (W.D. Va. Oct. 16, 2003)). Accordingly, Jackson may proceed in forma pauperis only if he can show imminent danger of serious physical injury. § 1915(g). Jackson fails to demonstrate that any imminent danger that he will suffer physical harm related to his current claims that he was denied the opportunity to bring a criminal charge against his assailant. As such, he does not qualify for installment payments of the filing fee, and he has not prepaid fee. Therefore, I will dismiss his complaint without prejudice under § 1915(g).

A separate Final Order will be entered herewith. The clerk will send a copy of that Final Order and this Opinion to the plaintiff.

DATED: July 29, 2014

/s/ James P. Jones  
United States District Judge