



the court finds that the action must be summarily dismissed without prejudice, based on Hale's many prior civil actions that have been dismissed.<sup>2</sup>

The Prison Litigation Reform Act of 1995 substantially amended the in forma pauperis statute, 28 U.S.C. § 1915. The purpose of the Act was to require all prisoner civil litigants to pay filing fees in full, either through prepayment or through installments withheld from the litigant's inmate trust account. § 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).

Court records reflect that Hale has had numerous prior civil actions dismissed as frivolous, malicious, or for failure to state a claim. See, e.g., Hale v. State of Mine Mind and State of Emergencies, No. 1:16-CV-421-HSM-SKL (E.D. Tenn. Oct. 21, 2016) (order finding three "strikes" under 28 U.S.C. § 1915(g) and directing Hale to prepay \$400 filing fee) (citing Hale v. Long, No. 1:06-cv-1109 (W.D. Tenn. June 26, 2007) (order dismissing case for failure to state a claim); Hale v. Long, No. 1:95-cv-0111 (M.D. Tenn. May 2, 1996) (order dismissing case as frivolous); Hale v. Williams, No. 1:94-cv-0145 (M.D. Tenn. Sept. 20, 1994) (order dismissing case as frivolous); Hale v. Rhea, No. 3:94- cv-0812 (M.D. Tenn. Sept. 19, 1994) (order dismissing case as frivolous); Hale v. Boyd, No. 1:94-cv-0141 (M.D. Tenn. Sept. 14, 1994) (order dismissing case as frivolous); Hale v. Cook, No. 1:16-cv-106 (E.D. Tenn. May 2, 2016) (order listing Hale's §1915(g) cases, denying him in forma pauperis status, and directing him to


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<sup>2</sup> The court recognizes a likelihood that venue most properly lies in the United States District Court for the Eastern District of Tennessee, where Hale is currently confined and many defendants are apparently employed. Because the action must clearly be summarily dismissed based on Hale's prior frivolous lawsuits, however, the court concludes that dismissal of this case without prejudice, rather than transfer, furthers the ends of justice. See 28 U.S.C. § 1406(a) ("The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.").

pay the full filing fee); Hale v. Steele, No. 3:12-cv-0476 (M.D. Tenn. May 18, 2012) (same); and Hale v. NWCX, No. 1:11-cv-1083 (W.D. Tenn. Dec. 28, 2011) (same)). Because Hale clearly has three “strikes” under § 1915(g), Hale may proceed in forma pauperis (without prepayment of the filing fee) only if he can show that he faces imminent danger of serious physical injury. § 1915(g).

Hale’s complaint uses English words and punctuation, but is otherwise incomprehensible.<sup>3</sup> The court finds no allegation suggesting that Hale is in imminent danger of serious physical injury so as to allow him to proceed with this lawsuit without prepayment of the filing fee. Moreover, Hale has clearly been notified by many past dismissal orders of his “three strikes” status. Accordingly, the court will summarily dismiss the complaint without prejudice under § 1915(g). An appropriate order will issue this day. The clerk will mail Hale a copy of that order and this memorandum opinion.

ENTER: This 29 day of November, 2016.

  
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Chief United States District Judge

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<sup>3</sup> For example, Hale states: “Please be advised I’m w/dissonance concerning some live-in boxing or street fights anywhere do to my expressed grief turned in and haltered formed so I know I’m a prize and won’t be let down just like another 8b at WTSP X3 this time back to back before offended on computer offense.” (Compl. 4.)