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

DAVID WAYNE ANDERSON, Plaintiff,)	Civil Action No. 7:22cv00258
v.)	MEMORANDUM OPINION
DET. BRAD ROOP, et al.,	By: Hon. Thomas T. Cullen United States District Judge
Defendants.)

Plaintiff David Wayne Anderson, a Virginia prisoner proceeding *pro se*, filed this civil rights action under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. But at least three of Anderson's previous actions have been dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Therefore, Anderson may not proceed with this action unless he either prepays the filing fee or shows that he is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

As Anderson has neither prepaid the filing fee nor demonstrated that he is "under imminent danger of serious physical injury," the court dismisses his complaint without prejudice pursuant to § 1915(g).

¹ See e.g., Anderson v. Hale, et al., Civil Action No. 7:97cv501 (W.D. Va. Sept. 17, 1997) (dismissed for failure to state a claim); Anderson v. Hale, et al., Case No. 97-7344 (4th Cir. Mar. 18, 1998) (affirming dismissal for failure to state a claim); Anderson v. Lowe, et al., Civil Action No. 7:19cv785 (W.D. Va. Dec. 14, 2020) (dismissed for failure to state a claim); Anderson v. Roop, et al., Civil Action No. 7:19cv155 (W.D. Va. Feb. 19, 2021) (dismissed for failure to state a claim); Anderson v. Roop, et al., Case No. 21-6866 (4th Cir. Dec. 15, 2021) (affirming dismissal for failure to state a claim).

² Anderson alleges that there were "procedural misconduct" and "clear trial errors" leading to his 46-count indictment and subsequent convictions for possessing child pornography and other related charges in the Washington County Circuit Court. (Compl. at 4 [ECF No. 1].) Anderson's allegations do not suggest that he is under imminent danger of serious physical injury. *See Springer v. Day*, No. 7:16cv261, 2016 U.S. Dist. LEXIS 76270, at *3, 2016 WL 3248601, at *1 (W.D. Va. June 13, 2016) (quoting *Lewis v. Sullivan*, 279 F.3d 526, 531

The clerk is directed to send copies of this Memorandum Opinion and accompanying Order to Anderson.

ENTERED this 17th day of June, 2022.

/s/ Thomas T. Cullen HON. THOMAS T. CULLEN

HON. THOMAS T. CULLEN UNITED STATES DISTRICT JUDGE

⁽⁷th Cir. 2002)) ("Courts have held that the imminent danger exception to § 1915(g)'s 'three strikes' rule must be construed narrowly and applied only for 'genuine emergencies,' where 'time is pressing' and 'a threat . . . is real and proximate' to the alleged official misconduct.") Moreover, many of the allegations in his complaint have already been addressed by the court. See Anderson v. Lowe, et al., Civil Action No. 7:19cv785 (W.D. Va. Dec. 14, 2020); Anderson v. Roop, et al., Civil Action No. 7:19cv155 (W.D. Va. Feb. 19, 2021).