

DLD-49

December 4, 2008

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 08-2317

BRUCE FERRELL

Appellant

VS.

JEFFREY BEARD, PH.D, ET AL.

(M.D. Pa. Civ. No. 08-cv-00698)

Present: BARRY, AMBRO and SMITH, Circuit Judges

Submitted are:

- (1) Appellant's Motion to Proceed on Appeal In Forma Pauperis; and
- (2) Appellant's Motion Demonstrating Imminent Danger
in the above-captioned case.

Respectfully,

Clerk

MMW/EAW/zm/tmk

ORDER

The foregoing motion to proceed in forma pauperis on appeal is denied. Appellant has had at least three prior complaints or appeals dismissed as frivolous or for failure to state a claim upon which relief can be granted. See e.g., Ferrell v. Horn, et al., Civ. No. 99-00275 and Ferrell v. Horn, et al., Civ. No. 99-00276 (W.D. Pa. Jun. 29, 2000); Ferrell v. Horn, et al., Civ. No. 01-01137 (M.D. Pa. Jul. 5, 2001); Ferrell v. Hill, et al., C.A. No. 1082 (3d Cir. Apr. 13, 1995); Ferrell v. Jury Commissioner et al., C.A. No. 95-1083 (3d Cir. Apr. 13, 1995); Ferrell v. Vaughn et al., C.A. No. 96-1208 (3d Cir. Jun. 26, 1996). Appellant has failed to show that he faces an "imminent danger of serious physical injury." 28 U.S.C. § 1915(g); see Abdul-Akbar v. McKelvie, 239 F.3d 307, 313 (3d Cir. 2001) (en banc). If he wishes

to proceed with this appeal, Appellant shall pay to the District Court the entire appellate filing and docketing fee of \$455.00 within 14 days of the date of this order. Failure to pay the fees within that time will result in the dismissal of this appeal. See 3d Cir. LAR 107.1(a).

By the Court,

/s/Maryanne Trump Barry

Circuit Judge

Dated: December 22, 2008

tmk/cc: Bruce Ferrell