

AR

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN FLAMER, :  
 :  
 Plaintiff : No. 4:CV-00-0672  
 :  
 vs. : (Complaint Filed 04/14/00)  
 :  
 : (Judge Muir)  
 R.L. RESSLER, et al., :  
 Defendants :

ORDER

August 20, 2001

FILED  
WILLIAMSPORT, PA  
AUG 20 2001  
MARY E. D'ANDREA, CLERK  
Per Deputy Clerk

Background

Plaintiff, John Flamer, an inmate formerly confined at the State Correctional Institution, Camp Hill, Pennsylvania<sup>1</sup>, filed the above-captioned civil rights complaint pursuant to 42 U.S.C. § 1983. Along with his action, plaintiff has submitted an application requesting leave to proceed in forma pauperis. Presently pending before the court is the defendants' motion to revoke the plaintiff's in forma pauperis status pursuant to 28 U.S.C. § 1915(g). For the reasons outlined below, the motion will be granted, and the above complaint will be dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g). Plaintiff's motion to proceed in forma pauperis will be granted only for the purpose of filing the complaint.

Title 28 U.S.C. § 1915(g) bars a federal civil action by a prisoner proceeding in forma pauperis if he or she

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<sup>1</sup>Since the filing of this action, the plaintiff has been released from confinement and resides at 2618 West 6<sup>th</sup> Street, Chester, PA 19013.

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.

28 U.S.C. § 1915(g).

The above plaintiff, while incarcerated, previously initiated thirteen (13) civil actions in the United States District Court for the Eastern District of Pennsylvania, which were dismissed either as frivolous pursuant to § 1915(d) or for failure to state a claim upon which relief could have been granted. (See Doc. No. 40). The Eastern District has determined that 28 U.S.C. § 1915(g) precludes further in forma pauperis actions by this plaintiff. See Flamer vs. Asst. Warden Lyons, et al., Civil Action No. 00-4114 (E.D. Pa.). Thus, pursuant to 28 U.S.C. § 1915(g), the above-captioned action must be dismissed as meritless.

IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion to proceed in forma pauperis is granted only for the purpose of filing this action.
2. The defendants' motion to revoke the plaintiff's in forma pauperis status, (Doc. No. 40) is granted. The above complaint is dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g).
3. The defendants' motions to compel discovery responses,

(Doc. No. 42) and for enlargement of discovery deadlines,  
(Doc. No. 44), are dismissed as moot.

4. The defendants' Clerk of Court is directed to close this case.
5. Any appeal from this order will be deemed not taken in good faith. See 28 U.S.C. § 1915(a).



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MUIR  
United States District Judge

MM:dlb