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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

96-1726

GEORGE K. KEENER

CIVIL ACTION

v.

PENNSYLVANIA BOARD OF
PROBATION & PAROLE, et al.

NO. 96-5075

ORDER

FILED SEP 25 1996

AND NOW, this 24th day of September, 1996, upon consideration of the motion of plaintiff George K. Keener to proceed in forma pauperis (document no. 5) filed August 19, 1996, IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis is denied pursuant to 28 U.S.C. § 1915(g).¹

- Federal Rule of Appellate Procedure 24(a) provides:
A party to an action in a district court who desires to proceed on appeal in forma pauperis shall file in the district court a motion for leave to so proceed, together with an affidavit, showing, in the detail prescribed by Form 4 of the Appendix of Forms, the party's inability to pay fees and costs or to give security therefor, the party's belief that the party is entitled to redress, and a statement of the issues which that party intends to present on appeal. If the motion is granted, the party may proceed without further application to the court of appeals and without prepayment of fees or costs in either court or the giving of security therefor. If the motion is denied the district court shall state in writing the reasons for the denial.
Fed. R. App. P. 24(a).

The Prison Litigation Reform Act of 1995, Public Law No. 104-134 (April 26, 1996), § 804(d) provides:
In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained at 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

ENTERED:

CLERK OF COURT

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[Signature]

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R DOUGLAS SISK, CLERK

(continued...)

BY THE COURT:


LOUIS CHARLES BECHTLE, SR. J.

1. (...continued)

which relief may be granted, unless the prisoner is in imminent danger of serious physical injury.
Pub. L. No. 104-134, § 804(d).

In response to plaintiff's initial application to proceed in forma pauperis filed July 17, 1996 (document no. 1), a determination was made that plaintiff had on "3 or more prior occasions" filed civil actions in this Court which were dismissed as frivolous, and that plaintiff was not "in imminent danger of serious physical injury." Accordingly, plaintiff's application to proceed in forma pauperis was denied pursuant to Pub. L. No. 104-134, § 804(d) (codified as 28 U.S.C. § 1915(g)), by order of this Court dated July 29, 1996.