

CLD-344

August 14, 2014

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **13-3138**

ALFONSO PERCY PEW, Appellant

VS.

CORIZON, et al.

(M.D. Pa. Civ. No. 12-cv-00585)

Present: SHWARTZ, Circuit Judge

Submitted are:

- (1) Appellant's motion for leave to appeal in forma pauperis, pursuant to Rule 24, Fed. R. App. P.;
- (2) Appellant's motion demonstrating imminent danger in the above-captioned case.

Respectfully,

Clerk

MMW/BNB/eal/clw

ORDER

Appellant's motion to proceed in forma pauperis on appeal is denied. Appellant has, on three occasions, while incarcerated or detained, brought an action or appeal in a court of the United States that was dismissed as frivolous: Pew v. Casner, C.A. No. 95-7176 (order entered July 31, 1995); Pew v. Cox, C.A. No. 93-2041 (order entered Mar. 31, 1994); Pew v. Cox, E.D. Pa. Civ. No. 93-cv-04128 (order entered Aug. 18, 1993). See Ball v. Famiglio, 726 F.3d 448, 463-65 (3d Cir. 2013); Keener v. Pa. Bd. of Prob. & Parole, 128 F.3d 143, 144-45 (3d Cir. 1997); Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). Accordingly, he may not proceed in forma pauperis unless he can show "imminent danger of serious physical injury" when he filed his appeal. 28 U.S.C. § 1915(g); Abdul-Akbar v. McKelvie, 239 F.3d 307, 312 (3d Cir. 2001) (en banc) ("[A]

prisoner may invoke the 'imminent danger' exception only to seek relief from a danger which is 'imminent' at the time the complaint [or appeal] is filed."). Appellant has not made the requisite showing of imminent danger. For these reasons, if Appellant wishes to proceed with this appeal, he must pay the full applicable filing and docketing fees in the amount of \$505 to the Clerk of the U.S. District Court for the Middle District of Pennsylvania within fourteen (14) days of the date of this order. Failure to pay the filing fees within that time will result in dismissal of the appeal without further notice. See 3d Cir. LAR 107.1(a).

By the Court,

s/Patty Shwartz
Circuit Judge

Dated: August 20, 2014
CLW/cc: Mr. Alfonso Pew
John J. Hatzell, Jr., Esq.
Debra S. Rand, Esq.