

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

GLENN STEWART STITT : CIVIL ACTION
: :
: :
v. : :
: :
BERKS COUNTY PUBLIC DEFENDERS OFFICE, ET AL. : NO. 09-1018

M E M O R A N D U M

KAUFFMAN, J. MARCH 23, 2009

Plaintiff, an inmate, is seeking to bring a civil action without prepayment of fees. Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he was in imminent danger of serious physical injury at the time that the complaint was filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

There are no allegations in plaintiff's complaint that would suggest that he was in imminent danger of serious physical injury at the time that this action was filed. Furthermore, prior to the filing of the instant case, plaintiff filed civil actions in the United States District Court for the Eastern District of Pennsylvania, the United States District Court for the Eastern District of Texas, the United States District Court for the Southern District of Texas and the United States District Court for the District of Columbia, which were dismissed as

frivolous.¹

Accordingly, plaintiff's motion to proceed in forma pauperis will be denied. An appropriate order follows.

¹ The following civil actions all were dismissed as frivolous. In the United States District Court for the Eastern District of Pennsylvania: (1) Civil Action No. 93-3144 was dismissed by Order filed June 17, 1993; and (2) Civil Action No. 93-2592 was dismissed by Order filed May 24, 1993. In the United States District Court for the Eastern District of Texas, Civil Action No. 93-0488 was dismissed by Order filed August 22, 1994. In the United States District Court for the Southern District Of Texas: 1) Civil Action No. 93-2044 was dismissed by Order filed August 26, 1993; 2) Civil Action No. 93-1452 was dismissed by Order filed July 12, 1993; and 3) Civil Action No. 93-1332 was dismissed by Order filed June 2, 1993. Finally, in the United States District Court for the District of Columbia, Civil Action No. 95-2108 was dismissed by Order filed November 14, 1995.

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O R D E R

AND NOW, this 23rd day of March, 2009, in accordance with the accompanying memorandum, **IT IS HEREBY ORDERED** that:

1. Plaintiff's motion for leave to proceed in forma pauperis is **DENIED** pursuant to 28 U.S.C. § 1915(g);
2. The Clerk of Court shall mark this case **CLOSED** statistically.

BY THE COURT:


BRUCE W. KAUFFMAN, J.