

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

JAMES ANDERSON also known as : CIVIL ACTION
HENDEL :
 :
 :
 v. :
 :
 :
 PAMELA PRYOR COHEN, also known :
 as PAMELA PRYOR DEMBE, ET AL. : NO. 10-4531

FILED

OCT 21 2010

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

M E M O R A N D U M

BUCKWALTER, J.

OCTOBER 20, 2010

Plaintiff, a state prisoner, is seeking to bring a civil action without prepayment of fees, alleging that he was denied due process and effective representation during his criminal trial and appeal, and that he is presently being denied, pursuant to a court order, his constitutional right to access the courts. He seeks monetary, injunctive and declaratory relief.

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 (three strikes), 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).

In this case, the Court finds that plaintiff has at least three strikes in this Court. See e.g. Hendel a.k.a. Anderson v. Josel, Civil Action No. 95-cv-2036 (dismissed as legally frivolous by order filed April 10, 1995); Hendel a.k.a.

Anderson v. Office of the Public Defender, Civil Action No. 95-cv-0396 (dismissed as legally frivolous by order filed January 25, 1995); and Hendel a.k.a. Anderson v. Office of the District Attorney, Civil Action No. 94-7376 (dismissed as legally frivolous by order filed December 9, 1994).

Furthermore, plaintiff has not alleged anything in the complaint that would merit the grant of in forma pauperis status notwithstanding his three strikes.

Accordingly, plaintiff's motion to proceed in forma pauperis will be denied.

An appropriate order follows.