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

GEORGE R. HASTINGS, SR.	:	CIVIL ACTION
v.	:	
GEORGE R. HASTINGS, JR.	:	NO. 09-0255

MEMORANDUM

BRODY, J. APRIL 24, 2009

Plaintiff, a prisoner, is seeking to bring a civil action without prepayment of fees, alleging that his son, George R. Hastings, Jr., misappropriated his assets after he was incarcerated.

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).

Plaintiff has, prior to the instant action, filed four civil actions in this Court which were dismissed as frivolous or for failure to state a claim upon which relief may be granted.[1] Furthermore, nothing in this complaint suggests that plaintiff

1. Civil action no. 05-1862 was dismissed as frivolous on April 26, 2005; Civil action nos. 04-3149 and 04-3150 were dismissed as frivolous on March 3, 2005; and Civil action no. 04-3489 was dismissed for failure to state a claim upon which relief may be granted on August 3, 2004.

was in imminent danger of serious physical injury at the time the complaint was filed.

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

An appropriate order follows.