

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

ERIC X. RAMBERT,

Plaintiff

v.

DEPT OF CORRECTIONS, et al.,

Defendants

CIVIL ACTION NO. 3:CV-15-0320

(Judge Nealon)

ORDER

AND NOW, THIS 3rd DAY OF NOVEMBER, 2015 Upon consideration of Defendants' motion to revoke Plaintiff's *in forma pauperis* status, (Doc. 21), in which Defendants request that this Court take judicial notice of the fact that Plaintiff has filed more than three civil actions while incarcerated,¹ which were ultimately dismissed as frivolous, malicious, or for failure to state a claim, thereby barring permission to proceed *in forma pauperis* pursuant to 28 U.S.C. §1915(g)², **IT IS ORDERED THAT:**

¹ The Court takes judicial notice of Rambert v. Barrett, Civil No. 2:95-cv-0071 (W.D. Pa. Feb. 21, 1995)(dismissed as legally frivolous); Rambert v. Horn, Civil No. 2:97-cv-0337 (W.D. Pa. Dec. 5, 1997)(dismissed for failure to state a claim); and Rambert v. Lavan, Civil No. 4:03-cv-0370 (M.D. Pa. Nov. 6, 2003)(dismissed for failure to state a claim).

²Specifically, the provision reads as follows:

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 in 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 which relief may be granted, unless the prisoner is under imminent danger of serious physical injury:

28 U.S.C. §1915(g).

1. Defendants' motion to revoke Plaintiff's *in forma pauperis* status (Doc. 21) is **GRANTED**.
2. This Court's Order of June 29, 2015, (Doc. 14), granting Rambert's Application to Proceed In Forma Pauperis is **RESCINDED**.
3. Plaintiff's Application to Proceed In Forma Pauperis, (Doc. 5) is **DENIED**.
4. Plaintiff shall pay the full filing of \$400.00, on, or before, November 20, 2015. The failure to timely pay the remaining filing fee shall result in the dismissal of the above captioned action without further notice for want of prosecution.
5. The Clerk of Court shall not accept for filing any motions in this civil action until the full \$400.00 filing fee is paid.

/s/ William J. Nealon
United States District Judge