

FILED

JAN 11 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BURNS TILTON BOYD,

Plaintiff,

v.

GARY WINTERS, *et al.*,

Defendants.

Civil Action No.

11 0068

MEMORANDUM OPINION

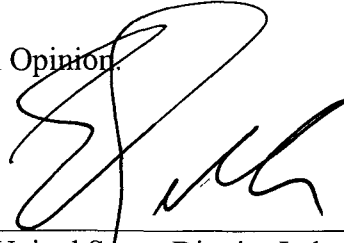
This matter is before the Court on consideration of the plaintiff's application to proceed *in forma pauperis*. The application will be denied pursuant to 28 U.S.C. § 1915(g).

Pursuant to the Prison Litigation Reform Act ("PLRA"), unless a prisoner "is under imminent danger of serious physical injury," he may not proceed *in forma pauperis* if while incarcerated he has filed at least three prior cases that were dismissed as frivolous, malicious, or for failure to state a claim. 28 U.S.C. § 1915(g); *see Ibrahim v. District of Columbia*, 463 F.3d 3, 6 (D.C. Cir. 2006); *Ibrahim v. District of Columbia*, 208 F.3d 1032, 1033 (D.C. 2000).

The plaintiff has accumulated at least "three strikes," *see Boyd v. Glen*, No. 2:04-CV-0202, 2004 WL 1800779 (N.D. Tex. Aug. 12, 2004) (denying motion to proceed *in forma pauperis* under 28 U.S.C. § 1915(g) and dismissing complaint without prejudice to refile with prepayment of filing fee); *Boyd v. Winters*, No. 2:04-CV-0106, 2004 WL 942502 (N.D. Tex. Apr. 30, 2004) (same), *appeal dismissed*, 112 Fed. Appx. 366 (5th Cir. 2004) (per curiam), *cert. denied*, 546 U.S. 843 (2005), and he fails to demonstrate that he is under imminent danger

of serious physical injury. Accordingly, the plaintiff's application to proceed *in forma pauperis* will be denied and this action will be dismissed without prejudice to refiling upon prepayment of the filing fee.

An Order accompanies this Memorandum Opinion.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a series of loops and a final flourish.

United States District Judge

DATE:

1/5/11