

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ALLEN TONY DAVIS,

Petitioner,

v.

ORDER

RICHARD A. SCHNEITER, GARY  
BOUGHTON, LEBBEUS BROWN and  
BRIAN LANGE,

07-C-220-S

Respondents.

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Petitioner has paid his initial partial filing fee. He was previously granted leave to proceed in forma pauperis. The Court determined that 28 U.S.C. §1915(g) applies to petitioner.

28 U.S.C. §1915(g) states 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.

Petitioner Davis has on three or more occasions while incarcerated brought civil actions which were dismissed for the reasons listed in §1915(g). These cases are: Case Nos. 95-C-862, (August 24, 1995, E.D. Wis.), Case No. 95-C-701 (January 31, 1996, E.D. Wis.) and 99-C-882 (September 27, 1999, E. D. Wis.)

Petitioner has not alleged that he is in imminent danger of serious physical injury. Accordingly, the Court will vacate its order granting petitioner's request to proceed in forma pauperis and will deny his request pursuant to 28 U.S.C. §1915(g).

ORDER

IT IS ORDERED that this Court's April 17, 2006 order granting petitioner's request to proceed in forma pauperis is VACATED.

IT IS FURTHER ORDERED that petitioner's request to proceed in forma pauperis is DENIED and DISMISSED without prejudice.

IT IS FURTHER ORDERED that judgment be entered denying and dismissing without prejudice petitioner's request to proceed in forma pauperis.

Entered this 21<sup>st</sup> day of May, 2007.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge