

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

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JAMES A. SMITH,

Petitioner,

v.

ORDER

MATTHEW J. FRANK and GREG  
D. GRAMS,

07-C-280-S

Respondents.

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Petitioner requests leave to proceed in forma pauperis. He is currently incarcerated at the Columbia Correctional Institution.

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 Smith 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. 03-C-414, (February 12, 2004, E.D. Wis.), Case No. 05-C-476 (October 4, 2004, E.D. Wis.) and 05-C-476 (June 17, 2005, E. D. Wis.)

Petitioner has not alleged that he is in imminent danger of serious physical injury. Accordingly, petitioner's request to

proceed in forma pauperis will be denied pursuant to 28 U.S.C. §1915(g).

ORDER

IT IS 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 18<sup>th</sup> day of May, 2007.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge