

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

FREDERICK WILLIAM BAUER,

Plaintiff,

v.

DEFENSE ATTORNEY/LAWYERS,
THOMAS SHRINER
KATHERINE LUNSFORD,
CHARLES PELLINO.
FREDERICK G. CELANI,
BRANYON/CLARK, FIRMS &
INSURANCE COMPANIES
AND OTHERS,

Defendants.

ORDER

16-cv-259-bbc

Plaintiff Frederick William Bauer was tried in his district in the late 1980s on charges of possessing with intent to distribute controlled substances, no. 89-cr-95-bbc. He was convicted and sentenced to a total sentence of 360 months. In addition, he entered a plea of guilty to charges of false information on tax returns in case no. 88-cr-55-bbc, for which he was sentenced to a term of three years. Since his convictions, he has filed dozens of law suits in various jurisdictions challenging his convictions and the accompanying forfeiture action. Now he has brought an action in this court, alleging in vague and broad terms that his conviction and incarceration were the products of conspiracy and racketeering acts by a variety of federal officials and by the lawyers appointed to represent him in the criminal

proceedings. He seeks to proceed in forma pauperis.

According to the United States District Court for the Eastern District of Texax in case no. 15-cv-104, plaintiff has had three strikes imposed against him for filing law suits with no merit, including No. 92-1182 in the District of Maryland, No. 97-1861 in the District of Columbia and 03-cv-12576 in the District of Massachusetts. Accordingly, he is barred from proceeding in this court unless he files the full filing fee in advance, as provided in 28 U.S.C. § 1915(g):

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.

Plaintiff does not allege that he is in imminent danger of serious physical injury, so he cannot proceed without prepaying the filing fee. I could give plaintiff an opportunity to pay the filing fee, but there is no point in doing so. His proposed complaint is long and involved, but absent any detail that would make it possible for this court to determine exactly what he is alleging and against what defendants. It is clear that he believes he is the victim of a huge conspiracy carried out by the United States Department of Justice and its various agencies, including the Bureau of Prisons, Federal Bureau of Investigation and United States Marshals Service, but it is not at all clear who he believes took the allegedly improper actions and why. Although plaintiff could try to fix the problems by amending his complaint, he cannot fix the fact that statute of limitations has long since run out on the

actions plaintiff is challenging. (Plaintiff does not provide dates for many of these actions, but by their nature they must have taken place in the late 1980s and early 1990s, in connection with his trial and subsequent transfer to the Bureau of Prisons.)

ORDER

IT IS ORDERED that plaintiff Frederick William Bauer's motion to proceed in forma pauperis under 28 U.S.C. § 1915, dkt. #2, is DENIED and his complaint, dkt. #1, is DISMISSED for his failure to state a claim upon which relief may be granted.

Entered this 6th day of May, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge