



method to prisoners who have “three strikes” — those prisoners who have had three previous cases or appeals dismissed as frivolous, malicious, or for failure to state a claim — unless the three-striker inmate shows “imminent danger of serious physical injury.” § 1915(g).

Springer has brought such actions or appeals on three or more prior occasions, including *Springer v. Clarke*, No. 12-6100 (4th Cir. April 11, 2012) (denying application to proceed in forma pauperis on appeal under § 1915(g), based on three “strikes”) (citing *Springer v. Shaw*, No. 1:09-cv-1339 (E.D. Va. Jan. 4, 2010); *Springer v. Reid*, No. 1:10-cv-1392 (E.D. Va. Feb. 14, 2011); and *Springer v. Reid*, No. 1:10-cv-1445 (E.D. Va. Feb. 14, 2011)). Accordingly, Springer may proceed in forma pauperis only if he can show imminent danger of serious physical injury. § 1915(g).

Springer’s current complaint alleges that although Red Onion officials knew he was innocent of a certain criminal charge, they have violated his constitutional rights by:

conspir[ing] to cover up the illegal activities of the alleged victims and assistant commonwealth attorney by establishing a long history of assaulting the plaintiff[,] a long history of false disciplinary charges[,] [and] a long history of arbitrarily instituting segregated confinement; refusing to investigate the alleged victim’s correspondence making admissions they testified falsely in court[,] . . . the alleged victim’s request to visit and make admissions at Red Onion State Prison[,] . . . [and] the alleged victims violation of the criminal courts own protective order; refusing access to retrieve timeline information on the victim’s false statements to . . . protective services; refusing legal

mail access to the . . . magistrate's office; refusing to investigate the prison mailroom; refusing to process complete exhaustion of administrative grievance remedies; initiating retaliatory current segregated confinement; and refusing access to [media representatives].

(Compl. 1-2.) Springer alleges that in long-term segregation, his only out-of-cell recreation is in a cage, he cannot participate in classes or education programs at the prison school building, and he cannot eat his meals in the cafeteria. He also complains generally that his six-year stay in segregated confinement is evidence of the defendants' long history of misuse of force, psychological abuse, and retaliation.

Courts have held that the "imminent danger" exception to § 1915(g)'s "three strikes" rule must be construed narrowly and applied only "for genuine emergencies," where "time is pressing" and "a threat . . . is real and proximate" to the alleged official misconduct. *Lewis v. Sullivan*, 279 F.3d 526, 531 (7th Cir. 2002). I cannot find that Springer has alleged facts showing imminent danger of physical harm related to any of the conduct or conditions of which he complains. Therefore, I cannot find that he is eligible to proceed without prepayment of the filing fee under the imminent danger exception in § 1915(g).

Because the records reflect that Springer has at least three "strikes" under § 1915(g) and he has not demonstrated that he is in imminent danger of physical harm related to his present claims, I must deny his application to proceed in forma

pauperis in this civil action under § 1915(g). Because he has not prepaid the \$350 filing fee or the \$50 administrative fee required to bring a civil action in this court, I will dismiss the Complaint without prejudice.

A separate Final Order will be entered herewith.

DATED: May 4, 2015

/s/ James P. Jones  
United States District Judge