

SAVE: COALITION TO STOP ABUSE AND VIOLENCE EVERYWHERE
REFORM THE PRISON LITIGATION REFORM ACT (PLRA)
TOP 10 HARMFUL ‘THREE STRIKES’ RESULTS IN 2007

1. An HIV-positive inmate files suit alleging that prison officials have denied him access to an HIV doctor and proper medical care. He claims to suffer from internal bleeding. The court applies the Three Strikes rule and denies the man’s request to proceed *in forma pauperis*. The court determines that the lack of an HIV doctor and the physical injury that could arise from internal bleeding do not put the inmate in “imminent danger of serious physical harm.” The court refuses to grant an exception to the Three Strikes rule due to “imminent danger” of physical injury because the prisoner had already lived with the condition for two years.
2. After being held in segregation confinement for over seven years, an inmate files a lawsuit alleging violations of his constitutional rights. The court dismisses his complaint under the three strikes provision because three of his prior lawsuits have been dismissed for failure to state a claim and confinement in segregation does not create imminent danger of physical harm.
3. A prisoner’s complaint alleges that defendants maced him and shot him with plastic pepper-ball bullets. He explains that defendants “used excessive force because they know that I [can] not file anymore lawsuits because of my three strikes.” The court dismisses the complaint concluding that the alleged excessive force and inadequate medical treatment were past events that do not show that the inmate is in imminent danger of physical harm.
4. A prisoner files a complaint alleging verbal and physical sexual harassment by a corrections officer. The court dismisses the claim, concluding that, “grabbing of the plaintiff’s private parts more than (1) week prior to the complaint” did not meet the imminent danger exception because the danger of injury has to exist at the time the complaint is filed and verbal harassment presents no danger of physical injury. The court denies *in forma pauperis* status and dismisses complaint.
5. The court dismisses a prisoner’s claim that officers unlawfully seized his legal and religious materials. The court finds that the allegation of unlawful confiscation of religious materials does not meet the imminent danger exception to the Three Strikes provision.
6. A prisoner’s complaint alleges that he was “assaulted, hit with a rope ... dragged into a ‘freezing cold cell’ naked, and denied meals and medication for his injury,” and that staff, “called him names, spit on him and put glass and human waste in his food, causing him to become sick over (40) times.” The court dismisses the complaint under the three strikes rule because the prisoner had been transferred to another facility when he filed the complaint and therefore did not meet the imminent danger exception.
7. The prisoner’s complaint alleges that he is denied access to drinking water and that his cell is infested with bugs. He alleges that two of the windows are broken, but in the cold of the winter the inmates are only given one blanket and no sheets. He alleges that staff responds to written grievances with physical and verbal threats. The court determines that while the conditions are unpleasant, the prisoner is not in imminent danger of physical harm because “the imminent danger must exist at the time the complaint ... is filed, not when the alleged wrongdoing occurred.”
8. A prisoner alleges unsanitary, inhumane living conditions, including the flooding of his cell with raw sewage from overflowing toilets at least three times a week, and sewage leaking from the ceiling on to his desk, sink, bed, and other property. He further alleges that he has experienced intestinal and respiratory ailments and skin rashes as a result of these conditions. The court determines that the prisoner’s allegations of “minor discomforts and unpleasant conditions” do not establish that he is in imminent danger of serious physical injury and therefore applies the Three Strikes rule.
9. A prisoner claims that prison officials deprived him of any treatment and medication for his Post Traumatic Stress Disorder for two years. The suit was dismissed under the three strikes provision, even though the prisoner claimed that his “multiple disabilities and disorders” have prevented him from properly articulating his federal claims.
10. A prisoner alleges that prison officials failed to provide him with Tuberculosis medication for over five years. But the court says that he failed to demonstrate imminent danger and dismisses the case under Three Strikes. The court reasons that, “the lengthy, and perhaps chronic, nature of his complaint leaves little doubt that the injury, if any, to him, is not imminent.”

1. Gilmore v. Wright, 2007 WL 2564702 (D.S.C. Aug. 14, 2007).
2. Bowler v. Ray, 2007 WL 1725354 (W.D. VA. June 13, 2007).
3. Smith v. Wilson, 2007 WL 2903197 (N.D. Ind. Oct. 1, 2007).
4. Maxton v. Quick, 2007 WL 1486142 (D.S.C. May 18, 2007).
5. Kelly v. Webb, 2007 WL 2021340 (E.D.Tex. Jul. 9, 2007).
6. Todd v. Kyler, 2007 WL 1031353, (M.D. Pa. Mar. 29, 2007).
7. Radford v. Lucas, 2007 WL 2021973 (W.D. Ark. Jul. 9, 2007).
8. Censke v. Smith, 2007 WL 2594539 (W.D. Mich. Sept. 4, 2007).
9. Baskett v. Department of Corrections, 2007 WL 1302719 (E.D. Wash. May 2, 2007)
10. Staley v. Smalley, 2007 WL 2283647 (D.S.C. Aug. 6, 2007).