

In the United States Court of Federal Claims

No. 20-410C
(Filed: April 14, 2020)
NOT FOR PUBLICATION

IRA JEROME ROSS,

Pro Se Plaintiff,

v.

THE UNITED STATES,

Defendant.

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) Pro Se; Prison Litigation Reform Act;
) 28 U.S.C. § 1915(g); Three-Strikes Bar
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ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS

On March 31, 2020, Ira Jerome Ross, a *pro se* prisoner currently incarcerated in Kinder, Louisiana, filed a complaint and motion to proceed *in forma pauperis* in this court, asserting he has suffered damages due to the Department of Justice's and the Federal Bureau of Investigation's failure to follow up on a criminal complaint he filed against Warner Brothers Corporation. Compl. at 3, ECF No. 1. Mr. Ross seeks \$50 million in damages based on alleged violations of his Equal Protection rights under 42 U.S.C. § 1981 and the Fourteenth Amendment of the United States Constitution. Compl. at 3. He also seeks an order that the United States Attorney's Office settle this case and pay the filing fee for his lawsuit "due to the coronavirus." *Id.* at 5.

This court has previously determined that, while incarcerated, Mr. Ross has filed at least three complaints that were dismissed as frivolous, malicious, or for failure to state a claim, and that Mr. Ross is therefore barred from proceeding *in forma pauperis* under the three-strikes provision of the Prison Litigation Reform Act. *See Ross v. United States*, No. 19-1175 (order dated Sept. 4, 2019) (listing cases); *see also* 28 U.S.C. § 1915(g). Although Mr. Ross argues in his complaint that he should not pay the filing fee "due to the coronavirus," Compl. at 5, Mr. Ross has not shown that this bare allegation satisfies the "imminent danger" exception to the three-strikes bar. *See Fourstar v. United*

States, 950 F.3d 856, 859-60 (Fed. Cir. 2019) (requiring a nexus between the complaint's claims and the allegations of imminent danger).

For these reasons, Mr. Ross's motion to proceed *in forma pauperis*, ECF No. 2, is **DENIED**. Mr. Ross is **ORDERED** to pay the filing fee by May 13, 2020. Failure to do so will result in dismissal of this action for failure to prosecute. *See* RCFC 41(b).

IT IS SO ORDERED.

/s Nancy B. Firestone
NANCY B. FIRESTONE
Senior Judge