

In the United States Court of Federal Claims

No. 21-1779C

(Filed: October 28, 2021)

NOT FOR PUBLICATION

ALEXANDER CAMERON, *

*

Plaintiff, *

*

v. *

*

THE UNITED STATES, *

*

Defendant. *

*

ORDER

On August 27, 2021, Alexander Cameron — who is currently incarcerated in Virginia — filed a complaint in this Court alleging that his imprisonment violates his constitutional and civil rights. *See* Complaint at 2 (ECF 1). Plaintiff’s prior civil actions have been dismissed with prejudice under 28 U.S.C. § 1915A(b)(1) on more than three occasions. *See* Order at 1 n.1, *Cameron v. Moore et al.*, No. 1:21-cv-0463 (E.D. Va. Apr. 29, 2021) (listing cases dismissed with prejudice for failure to state a claim). As a result, Plaintiff may not proceed *in forma pauperis* — which, for prisoners, involves payment of an initial partial filing fee from a prison trust fund account followed by subsequent monthly payments in amounts determined by a statutory formula, *see* 28 U.S.C. § 1915(b) — unless he demonstrates “imminent danger of serious physical injury.” *See* 28 U.S.C. § 1915(g). Mr. Cameron’s Complaint did not indicate any such danger. On September 20, 2021, I therefore ordered Plaintiff to pay the full filing fee of \$402 within 30 days. *See* Order (ECF 7). The Order specified that “[i]f Plaintiff does not comply, the complaint will be dismissed for failure to prosecute.” *Id.* As of today, Plaintiff has not submitted payment.

In his most recent filings with this Court,¹ Plaintiff represents that he is unable to pay the filing fee in full. Instead he refers to a recent knee replacement

¹ On September 27, 2021, this Court received Plaintiff’s application to proceed *in forma pauperis*, a motion for appointment of counsel, and a “Motion to Stop Kidnap/Murder Conspiracy,” which I interpret as a motion for summary judgment under RCFC 56. On October 25, 2021, this Court received Mr. Cameron’s “Response to 9/20/21 Order Directing Filing Fee.” Among other errors, proof of service for each document was missing or defective. *See* RCFC 5.3. Nonetheless, I have considered the documents and they shall be **FILED** by my leave. The application to proceed *in forma pauperis* is **DENIED**. To the extent the “Response” to this Court’s Order requests relief, it is **DENIED**. The remaining motions are **DENIED AS MOOT**.

surgery, notes that he has authorized deduction of a partial payment from his account on a monthly basis, and asserts that he is under imminent threat of physical injury.

For a prisoner like Plaintiff, authorization for partial payment deductions in lieu of full prepayment is simply part of an application to proceed *in forma pauperis* — which, again, Plaintiff is ineligible for unless he can demonstrate “imminent danger of serious physical injury.” *See* 28 U.S.C. § 1915(g). Plaintiff, however, fails to show any danger other than the incarceration itself, which is not sufficient to meet the statutory standard. *See Barbour v. U.S. Supreme Ct. Justs.*, No. 2:11-cv-00814 BSJ, 2011 WL 5118310, at *1 (D. Utah Oct. 27, 2011) (rejecting *in forma pauperis* status under Section 1915(g) where inmate failed to “plead any specific facts that would tend to show that such an imminent threat of serious physical injury exists, apart from the inherent risks faced by every incarcerated person arising from the fact of incarceration itself”). While Plaintiff’s surgery might have justified an extension of his time to pay the full filing fee, Plaintiff has indicated that he will not do so.

Because Plaintiff has not paid the filing fee or shown that he is qualified to proceed *in forma pauperis* under 28 U.S.C. § 1915(g), the case is **DISMISSED** for failure to prosecute. *See* Rule 41(b), Rules of the United States Court of Federal Claims. The government’s motion to dismiss (ECF 8) is **DENIED AS MOOT**.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

s/ Stephen S. Schwartz
STEPHEN S. SCHWARTZ
Judge