

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, WESTERN DIVISION

De’Amontae Manning v. Corrections Officer Tristin Pruitt

Case No. 3:25-cv-02615 (N.D. Ohio 2025) · No. 3:25-cv-02615 · Decided December 8, 2025

SUMMARY

The United States District Court for the Northern District of Ohio denied De’Amontae Manning’s application to proceed in forma pauperis under the three-strikes provision of 28 U.S.C. § 1915(g). The court found that Manning did not plausibly allege imminent danger of serious physical injury because his religious-meal claim concerned events occurring months before filing, and dismissed the action subject to reopening upon payment of the full filing fee.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Western Division
WRITING FOR THE COURT	Jeffrey J. Helmick
JURISDICTION	United States District Court for the Northern District of Ohio, Western Division
DECIDED	December 8, 2025
DOCKET	3:25-cv-02615
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner filed a 42 U.S.C. § 1983 complaint seeking damages and applied to proceed in forma pauperis. The court denied pauper status under the Prison Litigation Reform Act’s three-strikes provision and dismissed the action.
STANDARD OF REVIEW	The court assessed the allegations in the complaint to determine whether the statutory imminent-danger exception to the three-strikes bar applied.
PRECEDENTIAL VALUE	unpublished
PARTIES	De’Amontae Manning v. Corrections Officer Tristin Pruitt

TOPICS

- prisoners rights
- civil rights
- section 1983
- civil procedure

PRACTICE AREAS

prisoner civil rights

in forma pauperis proceedings

civil procedure

QUESTIONS PRESENTED

1. Whether Manning qualified for the imminent-danger exception to 28 U.S.C. § 1915(g)'s three-strikes bar to proceeding in forma pauperis.
2. Whether the action should be dismissed when Manning had at least three prior qualifying dismissals and did not pay the full filing fee.

HOLDINGS

1. The imminent-danger exception did not apply because Manning's complaint did not allege a real and proximate threat of serious physical injury contemporaneous with the filing of the complaint.
2. Manning could not proceed in forma pauperis because he had at least three prior actions or appeals dismissed as frivolous, malicious, or for failure to state a claim, and he did not satisfy the imminent-danger exception.
3. The action was dismissed pursuant to 28 U.S.C. § 1915(g), subject to reopening if Manning paid the full filing fee and filed a motion to reopen within thirty days.

KEY QUOTATIONS

“the plain language of § 1915(g) requires the imminent danger to be contemporaneous with the complaint’s filing.”

“is essentially a pleading requirement subject to the ordinary principles of notice pleading.”

FACTUAL BACKGROUND

Manning, a state prisoner incarcerated at Toledo Correctional Institution, alleged that on March 26, 2025, Corrections Officer Tristin Pruitt denied him appropriate religious meals during Ramadan. He sought damages and applied to proceed in forma pauperis. Because the alleged deprivation occurred nearly nine months before the complaint was filed and the complaint did not allege a contemporaneous threat of serious physical injury, the court found no imminent danger.

PROCEDURAL HISTORY

Manning alleged that Corrections Officer Tristin Pruitt denied him appropriate religious meals during Ramadan on March 26, 2025. Manning filed the complaint and an application to proceed in forma pauperis. The district court determined that Manning had at least three qualifying prior dismissals and had not plausibly alleged imminent danger of serious physical injury at the time of filing, denied the application, and dismissed the action under 28 U.S.C. § 1915(g).

DISPOSITION

dismissed

CASES CITED

- Vandiver v. Vasbinder, 416 F. App'x 560, 562 (6th Cir. 2011)
- Rittner v. Kinder, 290 F. App'x 796, 797 (6th Cir. 2008)
- Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007)
- Manning v. Henderson, No. 4:24-cv-795 (N.D. Ohio dismissed July 19, 2024)
- Manning v. Henderson, No. 3:24-cv-559 (N.D. Ohio dismissed Sept. 26, 2025)
- Manning v. Ellis, No. 3:24-cv-1170 (N.D. Ohio dismissed Sept. 18, 2024)

OPINION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION De'Amontae Manning, Case No. 3:25-cv-02615 Plaintiff v. ORDER OF
DISMISSAL Corrections Officer Tristin Pruitt, Defendant Pro se Plaintiff De'Amontae Manning,
a state prisoner incarcerated in the Toledo Correctional Institution, has filed a prisoner civil rights
complaint in this case seeking damages for his claim that on March 26, 2025, Defendant
Corrections Officer Tristin Pruitt denied Manning appropriate religious meals during Ramadan.

(Doc. No. 1). Plaintiff also filed an application to proceed in forma pauperis. (Doc. No. 2).
Pursuant to 28 U.S.C. § 1915(a), a Court may authorize the commencement of an action without
prepayment of fees if an applicant has shown by affidavit that he satisfies the criterion of poverty.
Prisoners, however, become responsible for paying the entire amount of their filing fees and costs
from the moment they file the complaint.

28 U.S.C. § 1915(b). When an inmate seeks pauper status, the only issue for the Court to
determine is whether the inmate pays the entire fee at the initiation of the proceeding or over a
period of time under an installment plan. *Id.* Absent imminent danger, the benefit of the
installment plan is denied to prisoners who have on three or more prior occasions, while
incarcerated, brought an action that was dismissed on the grounds that it was frivolous, malicious,
or failed to state a claim upon which relief could be granted.

28 U.S.C. § 1915(g). under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). For
purposes of interpreting the statute, the Court considers whether Plaintiff is in imminent danger at
the time of the filing of the Complaint. *Vandiver v. Vasbinder*, 416 F. App'x 560, 562 (6th Cir.
2011) (“[T]he plain language of § 1915(g) requires the imminent danger to be contemporaneous
with the complaint’s filing.”).

Although the Sixth Circuit has not offered a precise definition of “imminent danger,” it has
suggested that the threat of serious physical injury “must be real and proximate.” *Rittner v. Kinder*,

290 F. App'x 796, 797 (6th Cir. 2008).

Moreover, the imminent danger exception “is essentially a pleading requirement subject to the ordinary principles of notice pleading.” *Vandiver*, 416 F. App'x at 562; see *Andrews v. Cervantes*, 493 F.3d 1047, 1053 (9th Cir. 2007) (suggesting that courts should focus solely on the facts alleged in the complaint when deciding whether a prisoner faces imminent danger).

Manning is a frequent filer in federal court and has, on at least three prior occasions while incarcerated, filed actions or appeals in federal court that were dismissed on grounds they were frivolous, malicious, or failed to state a claim upon which he may be granted relief. See e.g., *Manning v. Henderson*, No. 4:24-cv-795 (N.D. Ohio dismissed July 19, 2024); *Manning v. Henderson*, No. 3:24-cv559 (N.D.

Ohio dismissed Sept. 26, 2025); *Manning v. Ellis*, No. 3:24-cv-1170 (N.D. Ohio dismissed Sept. 18, 2024). Here, Manning does not assert allegations from which I reasonably conclude that he was in imminent danger of serious physical injury at the time he filed his complaint in this case in December 2025. Rather, the allegations in his complaint indicate that he was denied religious meals in March 2025 – nearly nine months before he filed this case.

(Doc. No. 1 at 3). Accordingly, Manning's application to proceed in forma pauperis is denied, (Doc. No. 2), and this action is dismissed pursuant to 28 U.S.C. § 1915(g). If Manning wishes to proceed with this case, he must pay the full filing fee of \$405 and file a Motion to Re-Open within thirty (30) days of accompanied by the full filing fee. No other documents will be accepted for filing unless the entire filing fee is paid and the Motion to Re-Open is granted.

I further certify, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith. So Ordered. s/ Jeffrey J. Helmick United States District Judge