

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

Jullian Huffman v. Dr. Amit Shah, et al.

Huffman · No. 7:25CV00839 · Decided November 26, 2025

SUMMARY

The United States District Court for the Western District of Virginia dismissed Jullian Huffman’s 42 U.S.C. § 1983 action without prejudice under the Prison Litigation Reform Act’s three-strikes provision, 28 U.S.C. § 1915(g). The court held that Huffman had not alleged facts showing imminent danger of serious physical injury and denied his motion for issuance of a subpoena as moot.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia
WRITING FOR THE COURT	James P. Jones
JURISDICTION	United States District Court for the Western District of Virginia
DECIDED	November 26, 2025
DOCKET	7:25CV00839
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a 42 U.S.C. § 1983 civil rights action without prepaying the filing and administrative fees and implicitly sought leave to proceed in forma pauperis. The court considered the application under the Prison Litigation Reform Act’s three-strikes provision and also considered plaintiff’s motion for issuance of a subpoena.
STANDARD OF REVIEW	The court reviewed plaintiff’s eligibility to proceed in forma pauperis under 28 U.S.C. § 1915(g), requiring a narrow construction of the imminent-danger exception and accepting only allegations showing a real and proximate threat of serious physical injury.
PRECEDENTIAL VALUE	unknown
PARTIES	Jullian Huffman v. Dr. Amit Shah, et al.

TOPICS

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

PRACTICE AREAS

prisoner civil rights

in forma pauperis

42 U.S.C. § 1983

Prison Litigation Reform Act

QUESTIONS PRESENTED

1. Whether Huffman qualified to proceed in forma pauperis under the imminent-danger exception to 28 U.S.C. § 1915(g) despite having three or more prior qualifying dismissals.
2. Whether the complaint should be dismissed without prejudice for failure to prepay the filing and administrative fees.
3. Whether Huffman's motion for issuance of a subpoena should be denied as moot after dismissal of the action.

HOLDINGS

1. A prisoner with three or more prior actions or appeals dismissed as frivolous, malicious, or for failure to state a claim may proceed in forma pauperis only by alleging facts showing that he faced an imminent danger of serious physical injury when he filed the complaint. Huffman's conclusory allegation that defendants failed to prescribe desired medication did not satisfy that requirement.
2. Because Huffman was ineligible to proceed in forma pauperis and had not prepaid the required filing and administrative fees, the complaint was dismissed without prejudice.
3. Huffman's motion for issuance of a subpoena was denied as moot following dismissal of the complaint.

KEY QUOTATIONS

“The “imminent danger” exception to § 1915(g)’s “three strikes” rule must be construed narrowly and applied only “for genuine emergencies,” where “a threat . . . is real and proximate” to the alleged official misconduct.”

“Huffman has failed to establish that he is facing any imminent danger of physical injury because he has not pled any facts demonstrating a real or proximate threat of harm.”

FACTUAL BACKGROUND

Huffman, a Virginia inmate, alleged that defendants failed to prescribe Wellbutrin for depression and substance abuse involving methamphetamine and nicotine, and asserted that Wellbutrin combined with Lexapro was the best treatment. He did not identify any specific imminent serious physical injury resulting from the failure to prescribe the requested medication. The court noted that Huffman had filed more than sixty lawsuits in the district, many dismissed as frivolous, malicious, or for failure to state a claim.

PROCEDURAL HISTORY

Huffman, a Virginia inmate proceeding pro se, filed a civil rights complaint alleging that defendants failed to prescribe Wellbutrin and Lexapro. He did not prepay the required fees and sought to proceed in forma pauperis. The district court found that he had accumulated more than three qualifying frivolous or otherwise dismissible

actions and had not shown imminent danger of serious physical injury, dismissed the complaint without prejudice under 28 U.S.C. § 1915(g), and denied the subpoena motion as moot.

DISPOSITION

dismissed

CASES CITED

- Huffman v. McAfee, No. 7:24CV00640 (W.D. Va. Nov. 18, 2024)
- Huffman v. Fuller, No. 7:24CV00438 (W.D. Va. Oct. 30, 2024)
- Huffman v. CO Poole, No. 7:24CV00384 (W.D. Va. Oct. 24, 2024)
- Lewis v. Sullivan, 279 F.3d 526, 531 (7th Cir. 2002)
- Chase v. O'Malley, 466 F. App'x 185, 186 (4th Cir. 2012)
- Martin v. Shelton, 319 F.3d 1048, 1050 (8th Cir. 2003)
- Holley v. Combs, 134 F.4th 142, 146-47 (4th Cir. 2025)

OPINION

US DISTRICT COURT AT ROANOKE, VA IN THE UNITED STATES DISTRICT COURT
November 26, 2025 FOR THE WESTERN DISTRICT OF VIRGINIA LAURA ☐☐☐☐ ☐☐
ROANOKE DIVISION JULLIAN HUFFMAN,) Plaintiff, Case No. 7:25CV00839 V. OPINION
DR. AMIT SHAH, et al., JUDGE JAMES P. JONES Defendants. Jullian Huffman, Pro Se
Plaintiff.

The plaintiff, Jullian Huffman, a Virginia inmate proceeding pro se, has filed a civil rights action under 42 U.S.C. § 1983, alleging that the defendants failed to prescribe certain medication. Huffman has not prepaid the necessary filing costs to proceed with a civil rights action and impliedly requests in forma pauperis status under 28 U.S.C. § 1915, which would allow him to pay the filing fee through installments from his inmate trust account.

Upon my review, I conclude that he does not qualify to do so based on his current allegations and his prior frivolous filings in this court. Also pending is Huffman’s motion for issuance of a subpoena. Accordingly, I will summarily dismiss this lawsuit pursuant to 28 U.S.C. § 1915(g) and deny Huffman’s motion as moot.

Under the Prison Litigation Reform Act of 1995, all prisoner litigants suing government entities or officials must pay filing fees in full, either through prepayment or through installments withheld from the litigant’s inmate trust account. § 1915(b). Section 1915(g) denies the installment payment 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.” Huffman has filed more

than sixty lawsuits in this court, many of which have been dismissed as frivolous, malicious, or for failure to state a claim.

See, e.g., *Huffman v. McAfee*, No. 7:24CV00640 (W.D. Va. Nov. 18, 2024) (dismissed under 28 § 1915(e)(2)(B)(i) as frivolous); *Huffman v. Fuller*, No. 7:24CV00438 (W.D. Va. Oct. 30, 2024) (dismissed under 42 § 1997e(c)(1) as frivolous); *Huffman v. CO Poole*, No. 7:24CV00384; (W.D. Va. Oct. 24, 2024) (dismissed under 42 U.S.C. § 1997e(c)(1) for failure to state a claim).

Accordingly, Huffman may only proceed in forma pauperis (without prepayment of the filing fee) if he states facts showing that he faces imminent danger of serious physical injury. § 1915(g). The “imminent danger” exception to § 1915(g)’s “three strikes” rule must be construed narrowly and applied only “for genuine emergencies,” where “a threat... is real and proximate” to the alleged official misconduct.

Lewis v. Sullivan, 279 F.3d 526, 531 (7th Cir. 2002). The prisoner must be seeking relief from and demonstrate a danger that is imminent at the time he files the complaint. *Chase v. O’Malley*, 466 F. App’x 185, 186 (4th Cir. 2012) (unpublished) (citing *Martin v. Shelton*, 319 F.3d 1048, 1050 (8th Cir. 2003) (finding that exception “focuses on the risk that the conduct complained of threatens continuing or future injury, not whether the inmate deserves a remedy for past misconduct”).

Here, Huffman conclusively claims that “[t]hese defendants have failed and denied to prescribe me Wellbutrin for depression and for substance abuse of meth and nicotine. Wellbutrin and Lexapro combined are the best treatment.” Compl. 4, Dkt. No. 1. Huffman has failed to establish that he is facing any imminent danger of physical injury because he has not pled any facts demonstrating a real or proximate threat of harm.

Rather, he has merely asserted that he has not been prescribed a desired medication, without describing any specific imminent serious physical injury. See *Holley v. Combs*, 134 F.4th 142, 146–47 (4th Cir. 2025) (emphasizing the necessity for specificity of a plaintiff’s allegations in order to survive dismissal under § 1915(g)).

For the stated reasons, I cannot find that Huffman is eligible to proceed with this civil action without prepayment of the filing fee under the imminent danger exception in § 1915(g). Therefore, I must deny his application to proceed in forma pauperis under § 1915(g).

Because he has not prepaid the \$350 filing fee or the \$52 administrative fee required to bring a civil action in this court, I will dismiss the Complaint without prejudice. It follows that Huffman’s motion for issuance of a subpoena will be denied as moot. A separate Final Order will be entered herewith. DATED: November 26, 2025 /s/ JAMES P. JONES Senior United States District Judge