

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Anthony Joseph Lacy v. Darren Braden Lacy, Olivia Lacy, Curtis
Hichew, Chris Hichew, and TDOC

No. 3:26-CV-95-TRM-JEM · No. No. 3:26-CV-95-TRM-JEM · Decided May 20, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee denied Anthony Joseph Lacy’s motion to proceed in forma pauperis under the Prison Litigation Reform Act’s three-strikes provision, finding no plausible allegation of imminent danger of serious physical injury. The court dismissed the action without prejudice to payment of the filing fee and permanently enjoined Lacy from filing new petitions, complaints, or filings in closed cases without prior court approval. The court also certified that any appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Travis R. McDonough
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	May 20, 2026
DOCKET	No. 3:26-CV-95-TRM-JEM
DISPOSITION	dismissed
PROCEDURAL POSTURE	A prisoner proceeding pro se filed a 42 U.S.C. § 1983 complaint and moved to proceed in forma pauperis. The district court denied pauper status under the Prison Litigation Reform Act’s three-strikes provision, dismissed the action without prejudice to payment of the filing fee, imposed a permanent prefiling injunction, and certified that an appeal would not be taken in good faith.
STANDARD OF REVIEW	The court applied the pleading standard governing the imminent-danger exception to 28 U.S.C. § 1915(g), asking whether the allegations plausibly supported a reasonable inference that Plaintiff faced an existing danger of serious physical injury when he filed the complaint. It also applied the standard requiring identification of a pattern of repetitive, frivolous, or vexatious filings before imposing a filing injunction.

PRECEDENTIAL VALUE

unpublished and nonprecedential district-court memorandum and order

TOPICS[prisoners rights](#)[section 1983](#)[injunctions](#)[sanctions](#)[civil procedure](#)**PRACTICE AREAS**[civil rights](#)[prisoner litigation](#)[civil procedure](#)[remedies](#)**QUESTIONS PRESENTED**

1. Whether Plaintiff could proceed in forma pauperis despite having accumulated at least three qualifying strikes under 28 U.S.C. § 1915(g).
2. Whether Plaintiff plausibly alleged that he was under imminent danger of serious physical injury when he filed the complaint.
3. Whether the court could permanently enjoin Plaintiff from filing new petitions, complaints, or filings in closed cases without prior court approval based on his pattern of repetitive, frivolous, or vexatious filings.
4. Whether any appeal should be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3).

HOLDINGS

1. A prisoner who has accumulated at least three qualifying strikes may not proceed in forma pauperis unless he plausibly alleges that he faced imminent danger of serious physical injury when he filed the complaint.
2. Conclusory allegations of threatened rape or harm, unsupported by specific facts, do not plausibly allege imminent danger of serious physical injury under § 1915(g).
3. A district court may permanently restrict a litigant from filing new petitions, complaints, or filings in closed cases without prior approval when the litigant has demonstrated a pattern of repetitive, frivolous, or vexatious filings and the restriction is necessary to protect judicial resources.
4. An appeal from the order would not be taken in good faith and would be totally frivolous, so any request to proceed in forma pauperis on appeal is denied.

FACTUAL BACKGROUND

Plaintiff, a Tennessee prisoner, alleged that unidentified persons broke his television, destroyed a necklace, broke his tablet, and were attempting to have him raped, including in prison. The court found the allegations conclusory and unsupported by facts showing a real and proximate danger of serious physical injury at the time of filing. Plaintiff had previously filed at least three cases dismissed for failure to state a claim or as frivolous, and eight prior cases in the district had been dismissed or terminated for pleading or procedural deficiencies.

PROCEDURAL HISTORY

Plaintiff filed a prisoner civil-rights complaint, an application to proceed in forma pauperis, and several notices. The court determined that Plaintiff had accumulated at least three qualifying strikes and had not plausibly alleged imminent danger of serious physical injury when the complaint was filed. Based on Plaintiff's history of repetitive and frivolous filings in the district, the court also issued a permanent filing injunction and directed the Clerk to designate Plaintiff as a restricted filer.

DISPOSITION

dismissed

CASES CITED

- Lacy v. Lacy, et al., No. 2:25-cv-00148-DCLC-CRW (E.D. Tenn. Dec. 22, 2025)
- Lacy v. Carter Cnty. Sheriff's Office, et al., 2:21-CV-145 (E.D. Tenn. Sept. 28, 2021)
- Lacy v. Davis, et al., 2:23-CV-117 (E.D. Tenn. Jan. 4, 2024)
- Andrews v. Cervantes, 493 F.3d 1047, 1055 (9th Cir. 2007)
- Vandiver v. Prison Health Servs., Inc., 727 F.3d 580, 585 (6th Cir. 2013)
- Vandiver v. Vasbinder, 416 F. App'x 560, 562 (6th Cir. 2011)
- Taylor v. First Med. Mgmt., 508 F. App'x 488, 492 (6th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 681 (2009)
- Denton v. Hernandez, 504 U.S. 25, 32 (1992)
- Rittner v. Kinder, 290 F. App'x 796, 797-98 (6th Cir. 2008)
- In re Alea, 286 F.3d 378, 381 (6th Cir. 2002)
- Chambers v. NASCO, Inc., 501 U.S. 32, 43-50 (1991)
- Jones v. Kolb, 91 F. App'x 367, 369 (6th Cir. 2003)
- Filipas v. Lemons, 835 F.2d 1145, 1145 (6th Cir. 1987)
- Feathers v. Chevron U.S.A., Inc., 141 F.3d 264, 269 (6th Cir. 1998)
- United States v. Petlechov, 72 F.4th 699, 710-11 (6th Cir. 2023)
- Porter v. D + C Revocable Fam. Tr., No. CV 23-40170-MRG, 2024 WL 967575, at *2 (D. Mass. Mar. 6, 2024)
- Daker v. Ward, 999 F.3d 1300, 1308 (11th Cir. 2021)
- Childs v. Miller, 713 F.3d 1262, 1265 (10th Cir. 2013)

OPINION

ANTHONY JOSEPH LACY v. DARREN BRADEN LACY, OLIVIA LACY, CURTIS HICHEW, CHRIS HICHEW, and TDOC

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANTHONY JOSEPH LACY,)
) Plaintiff,)) v.) No. 3:26-CV-95-TRM-JEM)
DARREN BRADEN LACY, OLIVIA)
LACY, CURTIS HICHEW, CHRIS)
HICHEW, and TDOC,)) Defendants.)

MEMORANDUM & ORDER

Plaintiff, a prisoner of the Tennessee Department of Correction, filed a pro se complaint for violation of 42 U.S.C. § 1983 (Doc. 1), a motion for leave to proceed in forma pauperis (Doc. 5), and various notices with the Court (Docs. 4, 6, 8, 9). But while a prisoner, Plaintiff has filed at least three cases that a court dismissed for failure to state a claim upon which relief may be granted or as frivolous, and his filings herein do not plausibly assert that he was in imminent danger of physical injury when he filed his complaint. Accordingly, Plaintiff cannot proceed as a pauper in this action, his motion to proceed in forma pauperis (Doc. 5) will be DENIED, and this action will be dismissed without prejudice to him paying the filing fee. Additionally, due to Plaintiff's history of filing vexatious cases in this District, the Court will enter an injunction restricting Plaintiff from filing future actions pursuant to Standing Order 18-04. I. 28 U.S.C. § 1915(g) The "three strikes" provision of the Prison Litigation Reform Act ("PLRA") provides that an inmate may not proceed in forma pauperis in a civil action if, as a prisoner, he has filed three or more cases that a court dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, unless "[he] is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). As a prisoner, Plaintiff has filed at least three cases that a court dismissed for failure to state a claim upon which relief may be granted or as frivolous. *Lacy v. Lacy, et al.*, No. 2:25-cv-00148-DCLC-CRW (Docs. 4, 5) (E.D. Tenn. Dec. 22, 2025) (dismissed at screening for failure to state a claim); *Lacy v. Carter Cnty. Sheriff's Office, et al.*, 2:21-CV-145 (Docs. 4, 5) (E.D. Tenn. Sept. 28, 2021) (same); *Lacy v. Davis, et al.*, 2:23-CV-117 (Docs. 13, 16) (E.D. Tenn. Jan. 4, 2024) (same). Thus, Plaintiff has accumulated at least three strikes under the PLRA and cannot proceed herein absent "a plausible allegation that [he] faced 'imminent danger of serious physical injury'" when he filed his complaint. *Andrews v. Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007); *Vandiver v. Prison Health Servs., Inc.*, 727 F.3d 580, 585 (6th Cir. 2013) This imminent-danger exception to the three strikes rule "is essentially a pleading requirement subject to the ordinary principles of notice pleading." *Vandiver*, 727 F.3d at 585 (quoting *Vandiver v. Vasbinder*, 416 F. App'x 560, 562 (6th Cir. 2011)). The exception applies where a court, informed by its "'judicial experience and common sense,' could 'draw the reasonable inference'" that a plaintiff faced an existing danger when he filed the pleading. *Taylor v. First Med. Mgmt.*, 508 F. App'x 488, 492 (6th Cir. 2012). The substantive portion of Plaintiff's § 1983 complaint alleges that an unspecified individual(s) broke his television, destroyed a necklace Plaintiff's grandfather gave him, broke his tablet, and "are having him raped over the air waves," before additionally stating that an unspecified person or persons "broke [him] down physically as a teenager and had [him] raped. And trying to do it in

prison” (Doc. 1 at 4). While these allegations, liberally construed in Plaintiff’s favor, appear to suggest that a person or persons are attempting to rape him in prison, Plaintiff presents no facts to support this conclusory allegation, and it therefore does not plausibly allege a threat of imminent danger. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (“Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.”). After filing his complaint, Plaintiff also filed a number of notices with the Court regarding various incidents in his life, including allegations of threats on his life and/or rape, some of which contain references to Defendants (Docs. 4, 6, 8, 9). But even if the Court could liberally construe these unsigned documents as attempts to supplement the complaint for purposes of determining whether Plaintiff can proceed herein under the imminent danger exception to § 1915(g), many of the allegations in these filings are delusional and rise to the level of “irrational” or “wholly incredible,” and they therefore fail to state a claim upon which relief may be granted under § 1983. *Denton v. Hernandez*, 504 U.S. 25, 32 (1992). Moreover, while Plaintiff again makes conclusory allegations of threatened harm in these filings, those allegations are likewise not supported by any facts that allow the Court to plausibly infer that Plaintiff was in imminent danger of serious physical injury when he filed his complaint. *Iqbal*, 556 U.S. at 681 (holding that “unadorned, the-defendant-unlawfully-harmed-me accusation[s]” are insufficient to state a plausible claim for relief); *Rittner v. Kinder*, 290 F. App’x 796, 797– 98 (6th Cir. 2008) (providing that the imminent danger exception only applies where the danger is “real and proximate and the danger of serious physical injury . . . exist[s] at the time the complaint is filed,” and that that past danger is insufficient). Accordingly, Plaintiff may not proceed as a pauper in these proceedings, his motion to proceed in forma pauperis (Doc. 5) is DENIED pursuant to § 1915(g), and the instant action will be DISMISSED without prejudice to Plaintiff paying the filing fee in full. See *In re Alea*, 286 F.3d 378, 381 (6th Cir. 2002) (noting that prisoner’s obligation to pay filing fee arises when complaint delivered to district court clerk).

II. INJUNCTION

Additionally, due to Plaintiff’s extensive vexatious filing practices in this Court detailed below, the Court will permanently enjoin Plaintiff from filing any petition or complaint without first seeking and receiving approval by the Court. Specifically, not including this action, Plaintiff has filed eight other cases in this District, all of which have been dismissed or terminated for failing to state a plausible claim or other procedural deficiencies. See *Lacy v. Lacy, et al.*, No. 2:25-CV-00148-DCLC-CRW (Docs. 4, 5) (E.D. Tenn. Dec. 22, 2025) (dismissed at screening for failure to state a claim with a notification to Plaintiff that if he filed future cases that failed to state a claim and/or are dismissed for want of prosecution, that will result in imposition of an injunction pursuant to Standing Order 18-04); *Lacy v. Pounds*, 2:24-CV-22 (E.D. Tenn. 2024) (petition transferred to the Sixth Circuit to request authorization to file a second or successive habeas corpus petition, where the authorization was denied); *Lacy v. Davis, et al.*, 2:23-CV-117 (E.D. Tenn. 2023) (dismissed at screening for failure to state a claim based in part on some of Plaintiff’s allegations being

delusional); *Lacy v. Mays*, 2:22-CV-40 (E.D. Tenn. 2022) (dismissed on defendant's motion based on the petition being time-barred); *Lacy v. Carter Cnty. Sheriff's Office, et al.*, 2:21-CV- 145 (E.D. Tenn. 2021) (dismissed at screening for failure to state a claim and specifically finding that some of Plaintiff's allegations were delusional, irrational, and/or wholly incredible); *Lacy v. Mays*, 2:21-MC-18 (E.D. Tenn. 2021) (case terminated due to failure to either pay filing fee or submit an application to proceed in forma pauperis); *Lacy v. Fritts*, 2:15-CV-238 (E.D. Tenn. 2015) (dismissed for want of prosecution and failure to comply with the orders of the Court); *Lacy v. Carter Cnty. Sheriff's Office et al.*, 2:15-CV-35 (E.D. Tenn. 2015) (dismissed for want of prosecution after failing to supplement a deficiency as ordered by the Court and failing to provide an updated address). In other words, eight cases that Plaintiff previously filed in this district were dismissed at early stages in the litigation for failure to state a claim and/or for failure to abide by the rules applicable to litigation. Also, as noted above, in dismissing Plaintiff's most recent case, the Court warned him that continuing to file cases that fail to state a plausible claim for relief and/or are dismissed for want of prosecution would result in an injunction pursuant to Standing Order 18-04. See *Lacy v. Lacy, et al.*, No. 2:25-CV-00148- DCLC-CRW (Doc. 4, at 7–9). It is well-settled that a court has the authority to restrict litigants from repeatedly filing frivolous matters without first obtaining the court's permission. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43–50 (1991); *Jones v. Kolb*, 91 F. App'x 367, 369 (6th Cir. 2003). The Sixth Circuit has specifically determined that restricting such parties from filing documents without the court's prior approval is an appropriate means of addressing the potential waste of judicial resources caused by litigants who have engaged in a pattern of frivolous filings. *Filipas v. Lemons*, 835 F.2d 1145, 1145 (6th Cir. 1987); *Feathers v. Chevron U.S.A., Inc.*, 141 F.3d 264, 269 (6th Cir. 1998). To impose such a restriction, the Court must “identify a pattern of repetitive, frivolous, or vexatious filings.” *United States v. Petlechov*, 72 F.4th 699, 710–711 (6th Cir. 2023) (quoting *Feathers*, 141 F.3d at 269). Although litigiousness alone is not sufficient to support an injunction, “a pattern of filing repetitious or frivolous actions is a waste of judicial resources,” and because the Court has a “responsibility to see that [judicial] resources are allocated in a way that promotes the interests of justice . . . the Court may impose sanctions on [litigants who] continue[] to file repetitious or frivolous claims.” *Porter v. D + C Revocable Fam. Tr.*, No. CV 23-40170-MRG, 2024 WL 967575, at *2 (D. Mass. Mar. 6, 2024) (citation modified) ; *Daker v. Ward*, 999 F.3d 1300, 1308 (11th Cir. 2021) (“[A] plaintiff's duplicative complaint is an abuse of the judicial process.”); *Childs v. Miller*, 713 F.3d 1262, 1265 (10th Cir. 2013) (“When a pro se litigant files complaints that are repetitive, duplicative of other filings, without merit, or frivolous, he abuses the district court process.”). Based upon Plaintiff's prior conduct, as specified above, the Court finds that Plaintiff has demonstrated a pattern of filing complaints that contain conclusory and/or delusional allegations, fail to state a claim, and/or have other procedural deficiencies, and also finds that it is reasonable to anticipate that Plaintiff will persist his current pattern of frivolous litigation. The Court therefore finds that nothing less than a comprehensive filing injunction will be adequate to prevent Plaintiff

from further wasting judiciary resources. Accordingly, Plaintiff is hereby PERMANENTLY ENJOINED from filing any new petitions or complaints in this Court or from making any new filing in any cases that have been closed without first seeking and obtaining the Court's permission to file. To obtain the Court's permission to file, Plaintiff MUST submit to the Court:

1. A copy of the proposed petition, complaint, or document to be filed.
2. A "Motion Pursuant to Court Order Seeking Leave to File," which must include as exhibits: a. A copy of this Order; b. A declaration prepared pursuant to 28 U.S.C. § 1746, or a sworn affidavit, certifying that: i. The petition, complaint, or other document raises a new issue which has never been previously raised by Plaintiff in this or any other court; ii. The claims asserted in the petition, complaint, or other document are not frivolous; and iii. The petition, complaint, or other document is not filed in bad faith. c. A statement that lists: i. The full caption of each and every suit that has been previously filed by Plaintiff or on his behalf in any court against each and every defendant named in any new suit he wishes to file; and ii. The full caption of each and every suit that he has filed that is currently pending. The Clerk's Office shall identify Plaintiff Anthony Joseph Lacy as a RESTRICTED FILER in CM/EF and shall reject any proposed filings by Plaintiff that do not contain the required Motion to Pursuant to Court Order Seeking Leave to File and required exhibits. The Court may deny any motion for leave to file if the proposed filing is frivolous, vexatious, or harassing, or otherwise fails to comply with this Order. If the motion is denied, the document shall not be filed and will be returned to Plaintiff. The Court may dismiss any action initiated by the inadvertent filing by the Clerk's Office of any document submitted by Plaintiff that has not been approved for filing in compliance with this Order. The Court may also dismiss any action removed to this Court that has been improperly filed in another Court in an attempt to circumvent this Order. A failure to comply with this Order may lead to further sanctions.

III. CONCLUSION

For the reasons:

1. Plaintiff's motion for leave to proceed in forma pauperis (Doc. 5) is DENIED;
2. This action will be DISMISSED without prejudice to Plaintiff paying the filing fee;
3. Plaintiff is PERMANENTLY ENJOINED from filing any new petitions or complaints in this Court or from making any new filing in any cases that have been closed without first seeking and obtaining the Court's permission to file as set forth above; and
4. Also, the Court CERTIFIES that any appeal from this decision would not be taken in good faith and would be totally frivolous, such that any request for leave to proceed in forma pauperis on any subsequent appeal will be DENIED. SO ORDERED. AN APPROPRIATE JUDGMENT ORDER WILL ENTER. /s/ Travis R. McDonough

TRAVIS R. MCDONOUGH

UNITED STATES DISTRICT JUDGE

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