

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unpublished and nonprecedential district-court memorandum and order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)