

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

James Jerrod Spikes v. Tobey Leos, et al.

Spikes v. Leos · No. No. 26-340 · Decided March 26, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied James Jerrod Spikes’s motion to proceed in forma pauperis under the Prison Litigation Reform Act’s three-strikes provision, 28 U.S.C. § 1915(g). The court found that Spikes had accumulated at least three qualifying prior dismissals and had not shown that he was in imminent danger of serious physical injury, and it ordered the matter administratively closed unless he paid the filing fee.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Donna Phillips Currault
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	March 26, 2026
DOCKET	No. 26-340
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a 42 U.S.C. § 1983 prisoner civil-rights complaint and moved to proceed in forma pauperis. The court reviewed his prior federal civil-rights actions and determined that he had accumulated at least three qualifying dismissals under the Prison Litigation Reform Act.
STANDARD OF REVIEW	The court reviewed the complaint and court records to determine whether plaintiff satisfied the statutory requirements for proceeding in forma pauperis under 28 U.S.C. § 1915(g).
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status unknown.
PARTIES	James Jerrod Spikes v. Tobey Leos, Kendall Bullin, Wendall O’Berry, Casey Allen, Taylor Nicholson

TOPICS

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

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Civil rights litigation

In forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Spikes was barred by the Prison Litigation Reform Act's three-strikes provision from proceeding in forma pauperis.
2. Whether Spikes qualified for the imminent-danger exception to 28 U.S.C. § 1915(g).

HOLDINGS

1. A prisoner who has accumulated three prior qualifying dismissals may not proceed in forma pauperis unless the complaint satisfies the imminent-danger exception in 28 U.S.C. § 1915(g). Because Spikes had accumulated three qualifying strikes, he was prohibited from proceeding as a pauper.
2. The imminent-danger exception requires a real and proximate threat of serious physical injury that exists when the complaint is filed; past, speculative, hypothetical, or indefinite future harm is insufficient. Spikes did not allege facts demonstrating such danger.

KEY QUOTATIONS

“To meet the imminent danger requirement, Plaintiff must face a threat that is “real and proximate” based on fact, not conjecture.”

“As Spikes has accumulated three “strikes” under the PLRA and § 1915(g), he is prohibited from proceeding as a pauper in this civil action unless he falls within the “imminent danger” exception of § 1915(g).”

“The matter is to be CLOSED for administrative and statistical purposes until such time as Spikes pays the requisite filing fee.”

FACTUAL BACKGROUND

James Jerrod Spikes was incarcerated at the St. Tammany Parish Jail when he filed a § 1983 complaint challenging his criminal-charge proceedings and alleging false imprisonment. He sought monetary compensation and release from custody. The court identified at least three of Spikes's prior federal civil-rights actions that had been dismissed as frivolous, malicious, for failure to state a claim, or on related statutory grounds. The present complaint did not allege an imminent danger of serious physical injury.

PROCEDURAL HISTORY

Spikes filed this action challenging his criminal charges and alleging false imprisonment, seeking monetary compensation and release from custody. He also filed a motion to proceed in forma pauperis. The district court denied pauper status under 28 U.S.C. § 1915(g), finding that he had three strikes and had not shown imminent danger of serious physical injury, and ordered the matter administratively closed until he paid the filing fee.

DISPOSITION

other

CASES CITED

- James Jerrod Spikes v. Randy Seal, et al., Civ. No. 16-2794 “H”(1) (E.D. La. Mar. 13, 2017)
- James Jerrod Spikes v. Randy Seal, et al., Civ. No. 14-3004 “R”(1) (E.D. La. Mar. 14, 2016)
- James Jerrod Spikes v. Bogalusa Police Dept., et al., Civ. No. 14-2968 “H”(2) (E.D. La. Apr. 17, 2015)
- Jackson v. Stinnett, 102 F.3d 132, 137 (5th Cir. 1996)
- Leonard v. Lacy, 88 F.3d 181, 195 (2d Cir. 1996)
- Murphy v. Jones, 801 F. Supp. 283, 288 (E.D. Mo. 1992)
- Newman v. Harris, 770 F. App’x 216 (5th Cir. 2019)
- Valdez v. Bush, No. 08-148, 2008 WL 4710808, at *1 (N.D. Tex. Oct. 24, 2008)
- Ciarpaglini v. Saini, 352 F.3d 328, 330 (7th Cir. 2003)
- Cloud v. Stotts, 455 F. App’x 534, 534 (5th Cir. 2011)
- Heimerman v. Litscher, 337 F.3d 781, 782 (7th Cir. 2003)
- Abdul-Akbar v. McKelvie, 239 F.3d 307, 313 (5th Cir. 2001)
- Medberry v. Butler, 185 F.3d 1189, 1193 (11th Cir. 1999)
- Davis v. Stephens, No. 14-10808, 2015 WL 110445 (5th Cir. Jan. 8, 2015)

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