

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Ponder v. Bloodsaw et al.

Ponder v. Bloodsaw, No. 5:25-cv-540-MTT-ALS (M.D. Ga. Feb. 18, 2026) · No. No. 5:25-cv-540-MTT-ALS ·
Decided February 18, 2026

SUMMARY

The United States District Court for the Middle District of Georgia dismissed Jeremiah D. Ponder’s 42 U.S.C. § 1983 action without prejudice because he had at least three qualifying strikes under the Prison Litigation Reform Act and had not alleged imminent danger of serious physical injury. The court also noted that the action appeared untimely, failed to state a claim, and sought unavailable relief.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Marc T. Treadwell
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	February 18, 2026
DOCKET	No. 5:25-cv-540-MTT-ALS
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se prisoner brought a 42 U.S.C. § 1983 action. The court considered whether he could proceed in forma pauperis under the Prison Litigation Reform Act's three-strikes provision and dismissed the action without prejudice.
STANDARD OF REVIEW	The court reviewed the allegations and court records at the preliminary screening and in forma pauperis stage to determine whether 28 U.S.C. § 1915(g) barred pauper status.
PRECEDENTIAL VALUE	unpublished
PARTIES	Jeremiah D. Ponder v. Sgt. Georgia Bloodsaw, et al.

TOPICS

prisoners rights

section 1983

civil procedure

statute of limitations

PRACTICE AREAS

prisoner civil rights

federal civil procedure

in forma pauperis litigation

QUESTIONS PRESENTED

1. Whether 28 U.S.C. § 1915(g) barred Ponder from proceeding in forma pauperis because he had at least three prior qualifying dismissals and had not alleged imminent danger of serious physical injury.
2. Whether dismissal without prejudice was the proper disposition after denial of in forma pauperis status.
3. Whether the complaint was independently subject to dismissal as untimely or for failure to state a claim.

HOLDINGS

1. A prisoner with three prior federal actions or appeals dismissed as frivolous, malicious, or for failure to state a claim may not proceed in forma pauperis unless the complaint alleges that the prisoner was under imminent danger of serious physical injury. Ponder had at least three qualifying strikes and did not allege facts establishing that exception.
2. When a prisoner is denied in forma pauperis status under § 1915(g), the action must be dismissed without prejudice rather than allowing the prisoner to pay the filing fee after filing.
3. The court did not need to decide the limitations issue, but observed that the action could also be dismissed as frivolous because the alleged event occurred nearly four years before filing and § 1983 claims in Georgia generally use a two-year limitations period.

KEY QUOTATIONS

“Plaintiff may not, however, proceed in forma pauperis because he has three strikes under the Prison Litigation Reform Act (“PLRA”) and has not alleged he is in imminent danger of serious physical injury.” (1)

“Plaintiff’s allegations regarding an event that occurred almost four years ago do not show an imminent danger of serious physical injury.” (4)

FACTUAL BACKGROUND

Ponder, incarcerated at Macon State Prison, alleged that on March 19, 2022, he found another inmate in obvious pain on a restroom floor and alerted Sgt. Bloodsaw. The complaint did not clearly explain how Bloodsaw or any other defendant responded or violated Ponder's constitutional or federal statutory rights. The relief requested included being made a rap superstar, a porn star, and an all-star player.

PROCEDURAL HISTORY

Ponder filed the action in the Northern District of Georgia concerning an incident at Macon State Prison. The Northern District transferred the action to the Middle District of Georgia because the relevant events occurred there. Ponder did not pay the filing fee or expressly move to proceed in forma pauperis, but the court assumed he

sought in forma pauperis status, determined that he had at least three qualifying strikes and had not shown imminent danger of serious physical injury, and dismissed without prejudice.

DISPOSITION

dismissed

CASES CITED

- Medberry v. Butler, 185 F.3d 1189, 1192-93 (11th Cir. 1999)
- Rivera v. Allin, 144 F.3d 719, 723 (11th Cir. 1998)
- Jones v. Bock, 549 U.S. 199 (2007)
- Sutton v. District Attorney's Office, 334 F. App'x 278, 279 (11th Cir. 2009) (per curiam)
- White v. State of Colorado, 157 F.3d 1226, 1231 (10th Cir. 1998)
- Lewis v. Sullivan, 279 F.3d 526, 531 (7th Cir. 2002)
- Porter v. Ray, 461 F.3d 1315, 1323 (11th Cir. 2006)
- Clark v. State of Georgia Pardons and Parole Board, 915 F.2d 636, 640 n.2 (11th Cir. 1990)
- Hale v. Tallapoosa County, 50 F.3d 1579, 1582 (11th Cir. 1995)
- Bingham v. Thomas, 654 F.3d 1171, 1176-77 (11th Cir. 2011)
- Wade v. McDade, 106 F.4th 1251, 1255 (11th Cir. 2024) (en banc)
- Dupree v. Palmer, 284 F.3d 1234 (11th Cir. 2002)
- Ponder v. Keyth, No. 1:18-cv-2761-LMM (N.D. Ga. July 16, 2018), ECF No. 5
- Ponder v. LaGrua, No. 1:18-cv-03042-LMM (N.D. Ga. Sept. 15, 2018), ECF No. 13
- Ponder v. Allen, No. 1:18-cv-03207-LMM (N.D. Ga. Sept. 15, 2018), ECF No. 8

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION JEREMIAH D. PONDER,: Plaintiff,: VS.: NO. 5:25-cv-540-MTT-ALS Sgt.
GEORGIA BLOODSAW; et al.,: Defendants.: _____: ORDER
Pro se Plaintiff Jeremiah Ponder, a prisoner incarcerated at Macon State Prison in Oglethorpe, Georgia, filed a 42 U.S.C. § 1983 action in the United States District Court for the Northern District of Georgia.

ECF No. 1. Because Plaintiff complained about an incident that occurred in Macon State Prison, that Court transferred the action to the United States District Court for the Middle District of Georgia. ECF No. 2. While Plaintiff did not move to proceed in forma pauperis, the Court assumes he wishes to do so because he did not pay the required filing fee. Plaintiff may not, however, proceed in forma pauperis because he has three strikes under the Prison Litigation Reform Act (“PLRA”) and has not alleged he is in imminent danger of serious physical injury.

Plaintiff's action is, therefore, DISMISSED WITHOUT PREJUDICE. ANALYSIS Federal law bars a prisoner from bringing a civil action in federal court in forma pauperis if [he] has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). This is known as the "three strikes provision." Under § 1915(g), a prisoner incurs a "strike" any time he has a federal lawsuit or appeal dismissed on the grounds that it is frivolous or malicious or fails to state a claim. See *Medberry v. Butler*, 185 F.3d 1189, 1192 (11th Cir. 1999). Once a prisoner incurs three strikes, his ability to proceed in forma pauperis in federal court is greatly limited: leave to proceed in forma pauperis may not be granted unless the prisoner is under imminent danger of serious physical injury.

Id. The Eleventh Circuit has upheld the constitutionality of § 1915(g) because it does not violate an inmate's right to access the courts, the doctrine of separation of powers, an inmate's right to due process of law, or an inmate's right to equal protection. *Rivera v. Allin*, 144 F.3d 719, 723 (11th Cir. 1998) (citations omitted), abrogated on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007).

A review of court records on the Federal Judiciary's Public Access to Court Electronic Records ("PACER") database reveals that Plaintiff has filed numerous federal lawsuits while incarcerated and at least three of his § 1983 complaints were dismissed as frivolous, malicious, or for failure to state a claim. See Order Dismissing Compl., *Ponder v. Keyth*, No. 1:18-cv-2761-LMM (N.D.

Ga. July 16, 2018), ECF No. 5 (adopting recommendation to dismiss § 1983 complaint for failure to state a claim); Order Dismissing Compl., *Ponder v. LaGrua*, No. 1:18-cv-03042-LMM (N.D. Ga. Sept. 15, 2018), ECF No. 2 13 (adopting recommendation to dismiss § 1983 complaint for failing to state a claim); Order Dismissing Compl., *Ponder v. Allen*, No. 1:18-cv-03207-LMM (N.D.

Ga. Sept. 15, 2018), ECF No. 8 (recharacterizing Plaintiff's filing as § 1983 claim (per Plaintiff's request) and dismissing pursuant to 28 U.S.C. § 1915A for failure to state a claim).¹ Plaintiff is accordingly barred from prosecuting this action in forma pauperis unless he is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

To qualify for this exception, a prisoner must allege specific facts that describe an "ongoing serious physical injury," or "a pattern of misconduct evidencing the likelihood of imminent serious physical injury." *Sutton v. Dist. Att'y Off.*, 334 Fed. App'x 278, 279 (11th Cir. 2009) (per curiam) (internal quotation marks omitted). Complaints of past injuries are not sufficient.

See *Medberry*, 185 F.3d at 1193. Vague and unsupported claims of possible dangers likewise do not suffice. See *White v. State of Colo.*, 157 F.3d 1226, 1231 (10th Cir. 1998). 1 The Court notes

that the Northern District specifically advised Plaintiff that “if, while incarcerated, he has one more civil action or appeal dismissed on the basis that it is frivolous, malicious, or fails to state a claim upon which relief may be granted (like the -3042 Case and the -3207 Case), he will become subject to the filing restrictions in 28 U.S.C. § 1915(g).... ” Order, Ponder v. Allen, No. 1:18-cv-03207-LMM (N.D.

Ga. Sept. 5, 2018), ECF No. 8. At that time, however, at least one of Plaintiff’s additional cases—Case No. 1:18-cv-2761-LMM—had already been dismissed for failure to state a claim and thus counted as a strike. In addition, it appears Plaintiff may have incurred at least two additional strikes. Plaintiff filed two other cases at the same time he filed Case No. 1:18-cv-2761-LMM: Case No. 1:18-cv-2762-LMM (N.D.

Ga. June 4, 2018) and Case No. 1:18-cv-2763-LMM (N.D. Ga. June 4, 2018). Although the United States Magistrate Judge noted that Case No. 1:18-cv-2762-LMM consisted of two motions with “no stand- alone claims” and Case No. 1:18-cv-2763-LMM appeared to be an improper appeal of Plaintiff’s state court conviction, both cases were dismissed for failure to state a claim upon which relief may be granted.

See Recommendation to Dismiss Compl. at 2, Ponder v. State of Georgia, No. 1:18-cv-02762-LMM (N.D. Ga. June 15, 2018), ECF No. 2 (“Because I find and conclude that Ponder has stated no claims upon which relief may be granted in this Court, I RECOMMEND that all three cases [i.e., 1:18-cv-2761-LMM, 1:18- cv-2762-LMM, and 1:18-cv-2763-LMM] be DISMISSED WITHOUT PREJUDICE....”), report and recommendation adopted, (N.D.

Ga. July 16, 2018), ECF No. 6 (order adopting recommendation and dismissing action). These cases may, therefore, also count as strikes under 28 U.S.C. 1915(g). 3 The exception to § 1915(g) is to be applied only in “genuine emergencies,” when (1) “time is pressing,” (2) the “threat or prison condition is real and proximate,” and (3) the “potential consequence is serious physical injury.” Lewis v. Sullivan, 279 F.3d 526, 531 (7th Cir.

2002). Plaintiff’s complaint is difficult to decipher. It seems the incident about which he complains occurred on March 19, 2022. ECF No. 1 at 5. Plaintiff states he discovered another inmate in obvious pain lying on the restroom floor. Id. Plaintiff alerted Sgt. Bloodsaw. Id. It is unclear how Bloodsaw responded or how she or any other named Defendant are alleged to have violated Plaintiff’s constitutional or federal statutory rights.

For relief, Plaintiff requests a desire “to be a Rap Superstar and a porn star” and asks the Court to make him “an all-star player alone (sic) with Jayla D. Ponder that (sic) was born 2011.”² Id. at 6. 2 While the Court is dismissing this action without prejudice due to Plaintiff’s § 1915(g) strikes, it appears the action could also be dismissed as frivolous or for failure to state a claim upon which relief may be granted.

The event about which Plaintiff complains occurred almost four years ago. ECF No. 1 at 5. The statute of limitations for a § 1983 claim is two years. *Porter v. Ray*, 461 F.3d 1315, 1323 (11th Cir. 2006). Thus, Plaintiff's action is barred by the statute of limitations and could be dismissed as frivolous. *Clark v. State of Ga. Pardons and Parole Bd.*, 915 F.2d 636, 640 n.2 (11th Cir.

1990) (citation omitted) (stating that "[t]he expiration of the statute of limitations is an affirmative defense the existence of which warrants a dismissal as frivolous"). Additionally, to state a claim for relief under § 1983, a plaintiff must allege, inter alia, that an act or omission deprived him of a right, privilege, or immunity secured by the Constitution or a statute of the United States.

Hale v. Tallapoosa Cnty., 50 F.3d 1579, 1582 (11th Cir. 1995). Plaintiff fails to tell how any named Defendant violated his constitutional or federal statutory rights and, therefore, his complaint could be dismissed for failure to state a claim. See, e.g., *Bingham v. Thomas*, 654 F.3d 1171, 1176-77 (11th Cir. 2011) (affirming dismissal of certain claims at preliminary screening because prisoner failed to allege sufficient facts to show a violation of his rights), abrogated on other grounds by *Wade v. McDade*, 106 F.4th 1251, 1255 (11th Cir.

2024) (en banc). Finally, while a federal district court has authority to grant injunctive or declaratory relief or award damages, it cannot magically turn Plaintiff into a "Rap Superstar," "porn star," or "all-star player." ECF No. 1 at 6.

Thus, the Court would be unable to grant Plaintiff any of the relief he requests. 4 Plaintiff's allegations regarding an event that occurred almost four years ago do not show an imminent danger of serious physical injury.

In conclusion, because Plaintiff has three strikes under 28 U.S.C. § 1915(g) and has not shown an imminent danger of serious physical injury, it is ORDERED that his complaint is DISMISSED without prejudice.³ SO ORDERED, this 18th day of February, 2026. S/ Marc T. Treadwell_____ MARC T. TREADWELL, JUDGE UNITED STATES DISTRICT COURT 3 In *Dupree v. Palmer*, 284 F.3d 1234 (11th Cir.

2002), the Eleventh Circuit held that a prisoner cannot simply pay the filing fee after being denied in forma pauperis status, he must pay the filing fee at the time he initiates the suit. Thus, the proper procedure when denying in forma pauperis status is to dismiss the complaint without prejudice, allowing the Plaintiff to refile upon payment of the full \$405.00 filing fee.