

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Grimes v. Panta

No. 3:25-cv-1997-CAB-VET, United States District Court for the Southern District of California (August 11, 2025)

SUMMARY

The Southern District of California denied Jerome L. Grimes’s motion to proceed in forma pauperis under the Prison Litigation Reform Act’s three-strikes provision. The court dismissed the action without prejudice for failure to pay the full filing fee, found no plausible allegation of imminent danger of serious physical injury, certified that an IFP appeal would not be taken in good faith, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 11, 2025
DOCKET	3:25-cv-1997-CAB-VET
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se detainee filed a civil-rights complaint and moved to proceed in forma pauperis. The district court denied IFP status under the PLRA's three-strikes provision, dismissed the action without prejudice for failure to pay the filing fee, certified that an IFP appeal would be frivolous, and directed the Clerk to close the case.
STANDARD OF REVIEW	The court evaluated eligibility for in forma pauperis status under 28 U.S.C. § 1915(g), including whether Plaintiff plausibly alleged imminent danger of serious physical injury at the time of filing.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation and no stated precedential status.

TOPICS

- prisoners rights
- civil procedure
- motions to dismiss
- section 1983

PRACTICE AREAS

civil procedure

prisoner civil rights

in forma pauperis

QUESTIONS PRESENTED

1. Whether Plaintiff was barred from proceeding in forma pauperis under 28 U.S.C. § 1915(g) because he had accumulated three or more qualifying strikes.
2. Whether Plaintiff alleged a plausible imminent danger of serious physical injury sufficient to invoke the exception to the PLRA three-strikes bar.
3. Whether the action should be dismissed without prejudice for failure to pay the full filing fee.

HOLDINGS

1. A prisoner who has accumulated three or more qualifying strikes may not proceed in forma pauperis unless the statutory imminent-danger exception applies. Plaintiff had accumulated far more than three qualifying strikes, so the court denied his IFP motion.
2. A three-strikes prisoner must plausibly allege that he faced imminent danger of serious physical injury at the time of filing, and Plaintiff did not do so.
3. Because Plaintiff was barred from proceeding IFP and did not pay the full filing fee, the court dismissed the civil action without prejudice.

KEY QUOTATIONS

“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 can be granted, unless the prisoner is under imminent danger of serious physical injury.” (at 1–2)

“Accordingly, because Plaintiff has, while incarcerated, accumulated far more than the three “strikes” permitted by 28 U.S.C. § 1915(g), and fails to make any “plausible allegations” that he faced imminent danger of serious physical injury at the time he filed his complaint, he is not entitled to the privilege of proceeding IFP in this civil action.” (at 5)

FACTUAL BACKGROUND

Grimes, a detainee at Larry D. Smith Correctional Facility, filed a pro se complaint alleging retaliation, fraud, and negligence. The court construed the allegations as seeking to hold a Shell gas station and its employees liable for assault and defamation, but found the allegations unclear and lacking a plausible allegation of imminent danger of serious physical injury. Judicially noticed federal docket records showed that Grimes had filed more than 600 civil actions and had accumulated far more than three qualifying PLRA strikes.

PROCEDURAL HISTORY

Jerome L. Grimes filed a pro se complaint and a motion to proceed in forma pauperis. After taking judicial notice of federal docket records and finding that Plaintiff had accumulated more than three qualifying strikes

while incarcerated, the court concluded that he had not plausibly alleged imminent danger of serious physical injury. The court denied the IFP motion and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Moore v. Maricopa Cnty. Sheriff's Off., 657 F.3d 890, 892 (9th Cir. 2011)
- Andrews v. King, 398 F.3d 1113, 1116 n.1 (9th Cir. 2005)
- Andrews v. Cervantes, 493 F.3d 1047, 1051–52 (9th Cir. 2007)
- Tierney v. Kupers, 128 F.3d 1310, 1312 (9th Cir. 1997)
- O'Neal v. Price, 531 F.3d 1146, 1153 (9th Cir. 2008)
- El-Shaddai v. Zamora, 833 F.3d 1036, 1042 (9th Cir. 2016)
- Blakely v. Wards, 738 F.3d 607, 615 (4th Cir. 2013)
- Ray v. Lara, 31 F.4th 692, 700–01 (9th Cir. 2022)
- Bias v. Moynihan, 508 F.3d 1212, 1225 (9th Cir. 2007)
- Bennett v. Medtronic, Inc., 285 F.3d 801, 803 n.2 (9th Cir. 2002)
- Harris v. Mangum, 863 F.3d 1133, 1143 (9th Cir. 2017)
- Grimes v. Wan, 2007 WL 1988530, at *1 (N.D. Cal. July 3, 2007)
- Grimes v. Lewis, Civil Case No. 5:12-cv-03159-EEF-MLH (W.D. La. Mar. 13, 2013)
- Grimes v. Medlock, Civil Case No. 6:15-cv-00140-DCR (E.D. Ky. Sept. 16, 2015)
- Grimes v. Kelly, Civil Case No. 6:15-cv-01955-RBD-GJK (M.D. Fla. Nov. 30, 2015)
- Grimes v. Kelly, Civil Case No. 6:15-cv-02073-PGB-DAB (M.D. Fla. Dec. 16, 2015)
- Grimes v. Enter. Rent-a-Car Co. of Los Angeles, LLC, 2022 WL 3109570, at *3 (S.D. Cal. Aug. 4, 2022)
- Grimes v. Cal. Dept. of Corrections, Civil Case No. 2:00-cv-00668-WBS-JFM (E.D. Cal. May 2, 2000)
- Grimes v. CDC-CMF/Dept. of Mental Health, Civil Case No. 2:00-cv-00781-DFL-DAD (E.D. Cal. Apr. 24, 2000)
- Grimes v. Williams, Civil Case No. 1:15-cv-03848-JKB (D. Md. Dec. 23, 2015)
- Grimes v. Tate, Civil Case No. 1:15-cv-03849-JKB (D. Md. Dec. 23, 2015)

OPINION

Grimes v. Panta

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 JEROME L. GRIMES, Case No.: 3:25-cv-1997-CAB-VET 12

ORDER DENYING IFP MOTION

Plaintiff,

13 AND DISMISSING COMPLAINT

v. 14

PANTA, CALIFORNIA HIGHWAY

15

PATROL, STATE OF CALIFORNIA,

16 CALIFORNIA ATTORNEY GENERAL,

17 Defendants. 18

19 20 Plaintiff, Jerome L. Grimes, a detainee at Larry D. Smith Correctional Facility in 21
Riverside County, has filed a pro se complaint and a Motion to Proceed in forma pauperis 22
("IFP"). [Doc Nos. 1, 2.] In his complaint, Plaintiff alleges acts of retaliation, fraud, and 23
negligence by Defendants. [Doc. No. 1.] For the reasons discussed below, the Court denies 24
Plaintiff's IFP motion and dismisses the case without prejudice.

25 I. LEGAL STANDARD

26 "All persons, not just prisoners, may seek IFP status." *Moore v. Maricopa Cnty.* 27 Sheriff's
Off., 657 F.3d 890, 892 (9th Cir. 2011). Prisoners like Plaintiff, however, "face 28 an additional
hurdle." *Id.* In addition to requiring prisoners to "pay the full amount of a 1 filing fee," in
"monthly installments" or "increments" as provided by 28 U.S.C. 2 § 1915(a)(3)(b), the Prison
Litigation Reform Act ("PLRA") amended section 1915 to 3 preclude the privilege to proceed IFP
in cases where the prisoner: 4 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 5 dismissed on the
grounds that it is frivolous, malicious, or fails to state a claim 6 upon which relief can be granted,
unless the prisoner is under imminent danger of serious physical injury. 7 8 28 U.S.C. § 1915(g).
"This subdivision is commonly known as the 'three strikes' 9 provision." *Andrews v. King*, 398
F.3d 1113, 1116 n.1 (9th Cir. 2005). "Pursuant to 10 § 1915(g), a prisoner with three strikes or
more cannot proceed IFP." *Id.*; see also *Andrews v. Cervantes*, 493 F.3d 1047, 1052 (9th Cir.
2007) (stating that under the PLRA, 12 "[p]risoners who have repeatedly brought unsuccessful
suits may entirely be barred from 13 IFP status under the three strikes rule[.]"). The objective of
the PLRA is to further "the 14 congressional goal of reducing frivolous prisoner litigation in
federal court." *Tierney v. Kupers*, 128 F.3d 1310, 1312 (9th Cir. 1997). 16 "Strikes are prior
cases or appeals, brought while the plaintiff was a prisoner, which 17 were dismissed on the
ground that they were frivolous, malicious, or failed to state a claim," 18 *Andrews*, 398 F.3d at
1116 n.1 (internal quotations omitted), "even if the district court 19 styles such dismissal as a
denial of the prisoner's application to file the action without 20 prepayment of the full filing fee."
O'Neal v. Price, 531 F.3d 1146, 1153 (9th Cir. 2008). 21 When courts "review a dismissal to
determine whether it counts as a strike, the style of the 22 dismissal or the procedural posture is
immaterial. Instead, the central question is whether 23 the dismissal 'rang the PLRA bells of

frivolous, malicious, or failure to state a claim.’” *El- 24 Shaddai v. Zamora*, 833 F.3d 1036, 1042 (9th Cir. 2016) (quoting *Blakely v. Wards*, 738 25 F.3d 607, 615 (4th Cir. 2013)). 26 Once a prisoner has accumulated three strikes, section 1915(g) prohibits his pursuit 27 of any subsequent IFP civil action or appeal in federal court unless he “makes a plausible 28 allegation that [he] faced ‘imminent danger of serious physical injury’ at the time of filing.” 1 *Cervantes*, 493 F.3d at 1051–52 (quoting 28 U.S.C. § 1915(g)). “[T]he PLRA [also] 2 requires a nexus between [any] alleged imminent danger and the violations of law alleged 3 in the prisoner’s complaint.” *Ray v. Lara*, 31 F.4th 692, 700 (9th Cir. 2022). Thus, to 4 qualify for an exception, “a three-strikes prisoner must allege imminent danger of serious 5 physical injury that is both fairly traceable to unlawful conduct alleged in his complaint 6 and redressable by the court.” *Id.* at 701.

7 II. DISCUSSION

8 Grimes’s allegations are far from clear, but as best the Court can decipher, he seeks 9 to hold a Shell gas station and its employees liable for assault and “defamation.” [See Doc. 10 No. 1 at 8–11.] However, Grimes does not include any “plausible allegations” to suggest 11 he “faced ‘imminent danger of serious physical injury’ at the time of filing.” *Cervantes*, 12 493 F.3d at 1055 (quoting 28 U.S.C. § 1915(g)). 13 Courts “‘may take notice of proceedings in other courts, both within and without the 14 federal judicial system, if those proceedings have a direct relation to matters at issue.’” 15 *Bias v. Moynihan*, 508 F.3d 1212, 1225 (9th Cir. 2007) (quoting *Bennett v. Medtronic, Inc.*, 16 285 F.3d 801, 803 n.2 (9th Cir. 2002)). Therefore, the Court takes judicial notice of federal 17 docket proceedings available on PACER and finds that Plaintiff Jerome L. Grimes, 18 currently identified as Douglas County Jail Inmate #202528807, has filed over 600 civil 19 actions in multiple federal district courts across the country dating back to 1986. 20 These dockets show Grimes has been in and out of state and local custody over the 21 course of more than three decades, and due to his vexatious litigation, has been denied 22 leave to proceed IFP while incarcerated pursuant to 28 U.S.C. § 1915(g) in the Northern 23 District of California, Western District of Louisiana, Eastern District of Kentucky, Middle 24 and Northern Districts of Florida, the District of Maryland, and this district. See e.g., 25 *Grimes v. Wan, et al.*, Civil Case No. 07-cv-1726-CW (PR), 2007 WL 1988530, at *1 26 (N.D. Cal. July 3, 2007) (“On May 18, 2000, this Court informed Plaintiff that while he is 27 a prisoner, he generally is ineligible to proceed [IFP] in federal court under the ‘three- 28 strikes’ provisions of 28 U.S.C. § 1915(g).”); *Grimes v. Lewis, et al.*, Civil Case No. 5:12- 1 cv-03159-EEF-MLH (W.D. La. March 13, 2013) (ECF No. 16 at 1) (“Court records show 2 that [Grimes] has filed more tha[n] 350 complaints and appeals. Three or more of them 3 have been dismissed as frivolous.”); *Grimes v. Medlock, et al.*, Civil Case No. 6:15-cv- 4 00140-DCR (E.D. Ky. Sept. 16, 2015) (“[T]he federal judiciary’s on-line database 5 indicates that ‘Jerome L. Grimes’ has filed almost 500 civil rights suits in the federal court 6 system, mostly in California.”) (ECF No. 8 at 3); *Grimes v. Kelly*, Civil Case No. 6:15-cv- 7 02073-PGB-DAB (M.D. Fla. Dec. 16, 2015) (ECF No. 5 at 2) (“A review of PACER 8 confirms that [Grimes] has filed hundreds of actions in several district courts in the United 9 States

and has had three of more cases dismissed for failure to state a claim or as 10 frivolous.”); Grimes v. Enter. Rent-a-Car Co. of Los Angeles, LLC, No. 22-cv-00657-RSH- 11 KSC, 2022 WL 3109570, at *3 (S.D. Cal. Aug. 4, 2022) (denying IFP pursuant to § 12 1915(g), dismissing case and noting Grimes had previously filed more than 600 civil 13 actions in federal courts). 14 The Court finds that Plaintiff, while incarcerated, has had far more than three prior 15 civil actions dismissed on the grounds that they were frivolous, malicious, or failed to state 16 a claim upon which relief may be granted. Some additional examples of “strikes” filed and 17 dismissed while Grimes was in custody of at California Medical Facility in Vacaville, 18 California, and Orange County Corrections Department in Orlando, Florida are: 19 (1) Grimes v. Cal. Dept. of Corrections, et al., Civil Case No. 2:00-cv-00668- 20 WBS-JFM (E.D. Cal. May 2, 2000) (Order granting IFP and dismissing complaint sua 21 sponte with leave to amend for “fail[ing] to state a cognizable claim for relief” pursuant to 22 28 U.S.C. § 1915A(b)) (ECF No. 5); id., (E.D. Cal. June 22, 2000) (Findings and 23 Recommendations [“F&Rs”] to dismiss civil action for failure to amend) (ECF No. 7); id., 24 (E.D. Cal. Aug. 8, 2000 Order adopting F&Rs and dismissing action) (ECF No. 9); 25 26 27 1 See Harris v. Mangum, 863 F.3d 1133, 1143 (9th Cir. 2017) (“[W]hen (1) a district court 28 1 (2) Grimes v. CDC-CMF/Dept. of Mental Health, et al., Civil Case No. 2:00-cv- 2 00781-DFL-DAD (E.D. Cal. April 24, 2000) (F&R granting IFP and to dismiss complaint 3 sua sponte pursuant to 28 U.S.C. § 1915A as frivolous and for failing to state a claim) (ECF 4 No. 4); id., (E.D. Cal. June 22, 2000) (F&Rs to dismiss civil action for failure to amend) 5 (ECF No. 6); id., (E.D. Cal. Aug. 17, 2000) (Order adopting F&Rs and dismissing action) 6 (ECF No. 7); 7 (3) Grimes v. Kelly, Civil Case No. 6:15-cv-01955-RBD-GJK (M.D. Fla. Nov. 8 30, 2015) (Order denying IFP and dismissing complaint requesting Defendant police 9 officer be subject to random drug and lie detector tests and to be “prosecuted paramilitarily” 10 “for fail[ing] to provide a ... claim for relief.”) (ECF No. 3); 11 (4) Grimes v. Williams, et al., Civil Case No. 1:15-cv-03848-JKB (D. Md. Dec. 12 23, 2015) (Memorandum and Order granting IFP and dismissing complaint for failing to 13 state a claim for relief) (ECF Nos. 3, 4); and 14 (5) Grimes v. Tate, et al., Civil Case No. 1:15-cv-03849-JKB (D. Md. Dec. 23, 15 2015) (Memorandum and Order granting IFP and dismissing complaint for failing to state 16 a claim for relief) (ECF Nos. 3, 4). 17 Accordingly, because Plaintiff has, while incarcerated, accumulated far more than 18 the three “strikes” permitted by 28 U.S.C. § 1915(g), and fails to make any “plausible 19 allegations” that he faced imminent danger of serious physical injury at the time he filed 20 his complaint, he is not entitled to the privilege of proceeding IFP in this civil action. See 21 Cervantes, 493 F.3d at 1055.

22 III. CONCLUSION AND ORDER

23 For the reasons discussed above, the Court DENIES Plaintiff’s Motion to Proceed 24 IFP (ECF No. 2) as barred by 28 U.S.C. § 1915(g); DISMISSES this civil action without 25 26 27 to amend, and (3) the plaintiff then fails to file an amended complaint, the dismissal counts as a strike under

§ 1915(g).”). 28 | prejudice based on Plaintiffs failure to pay the full filing fee required by 28
U.S.C. 2 ||§ 1914(a); CERTIFIES that an IFP appeal from this Order would be frivolous and not 3
||taken in good faith pursuant to 28 U.S.C. § 1915(a)(3); and DIRECTS the Clerk of the 4 || Court
to close the case. 5 IT IS SO ORDERED. 6 7 Dated: August 11, 2025 □ ZL 8 Hon. Cathy Ann
Bencivengo ? United States District Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27
28 6 oe oe