

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)