

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

**Jerome L. Grimes v. San Diego State University Library Security
Guard; San Diego State University Campus Police Officer; San
Diego State University Campus Police Department; and San Diego
State University**

Grimes · No. 3:25-cv-2490-WQH-AHG · Decided October 17, 2025

SUMMARY

The Southern District of California denies Jerome L. Grimes’s motion to proceed in forma pauperis under the Prison Litigation Reform Act’s three-strikes provision. The court finds that Plaintiff did not plausibly allege imminent danger of serious physical injury and dismisses the action without prejudice for failure to pay the statutory filing fee.

OPINION

Grimes

PER CURIAM.

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11 UNITED STATES DISTRICT COURT

12 SOUTHERN DISTRICT OF CALIFORNIA

13 14 JEROME L. GRIMES, Case No.: 3:25-cv-2490-WQH-AHG 15

ORDER

Plaintiff, 16 v. 17 18

SAN DIEGO STATE UNIVERSITY

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LIBRARY SECURITY GUARD; SAN

20 DIEGO STATE UNIVERSITY CAMPUS

POLICE OFFICER; SAN DIEGO STATE

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UNIVERSITY CAMPUS POLICE

22 DEPARTMENT; and SAN DIEGO

STATE UNIVERSITY,

23 Defendants. 24

25 HAYES, Judge: 26 On September 17, 2025, Plaintiff Jerome L. Grimes (“Plaintiff”), a detainee
at Larry 27 D. Smith Correctional Facility in Riverside County, California, filed a pro se

Complaint 28 1 (ECF No. 1) and a Motion to Proceed In Forma Pauperis (“IFP Motion”) (ECF No. 2). In 2 his Complaint, Plaintiff alleges acts of “economic espionage,” invasion of privacy, and 3 “illegal technology” by Defendants. (See ECF No. 1.) For the reasons discussed below, the 4 Court denies Plaintiff’s IFP Motion and dismisses the case.

5 I. IFP MOTION

6 A. Standard of Review 7 “All persons, not just prisoners, may seek IFP status.” *Moore v. Maricopa Cnty. Sheriff’s Off.*, 657 F.3d 890, 892 (9th Cir. 2011). Prisoners like Plaintiff, however, “face[] 9 an additional hurdle.” *Id.* 10 In addition to requiring prisoners to “pay the full amount of a filing fee,” in “monthly 11 payments” as provided by 28 U.S.C. § 1915(b)(1)–(2), the Prison Litigation Reform Act 12 (“PLRA”) amended section 1915 to preclude the privilege to proceed IFP in cases where 13 the prisoner: 14 . . . 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 15 dismissed on the grounds that it is frivolous, malicious, or fails to state a claim 16 upon which relief can be granted, unless the prisoner is under imminent danger of serious physical injury. 17 18 28 U.S.C. § 1915(g). 19 “This subdivision is commonly known as the ‘three strikes’ provision.” *Andrews v. King*, 398 F.3d 1113, 1116 n.1 (9th Cir. 2005). “Pursuant to § 1915(g), a prisoner with 21 three strikes or more cannot proceed IFP.” *Id.*; see also *Andrews v. Cervantes*, 493 F.3d 22 1047, 1052 (9th Cir. 2007) (stating that under the PLRA, “[p]risoners who have repeatedly 23 brought unsuccessful suits may entirely be barred from IFP status under the three-strikes 24 rule”). The objective of the PLRA is to further “the congressional goal of reducing 25 frivolous prisoner litigation in federal court.” *Tierney v. Kupers*, 128 F.3d 1310, 1312 (9th 26 Cir. 1997).

27 “Strikes are prior cases or appeals, brought while the plaintiff was a prisoner, which 28 were dismissed on the ground that they were frivolous, malicious, or fail[ed] to state a 1 claim,” *King*, 398 F.3d at 1116 n.1 (internal quotations omitted), “even if the district court 2 styles such dismissal as a denial of the prisoner’s application to file the action without 3 prepayment of the full filing fee.” *O’Neal v. Price*, 531 F.3d 1146, 1153 (9th Cir. 2008). 4 When courts “review a dismissal to determine whether it counts as a strike, the style of the 5 dismissal or the procedural posture is immaterial. Instead, the central question is whether 6 the dismissal ‘rang the PLRA bells of frivolous, malicious, or failure to state a claim.’” *El-Shaddai v. Zamora*, 833 F.3d 1036, 1042 (9th Cir. 2016) (quoting *Blakely v. Wards*, 738 8 F.3d 607, 615 (4th Cir. 2013)). 9 Once a prisoner has accumulated three strikes, section 1915(g) prohibits his pursuit 10 of any subsequent IFP civil action or appeal in federal court unless he “makes a plausible 11 allegation that [he] faced ‘imminent danger of serious physical injury’ at the time of filing.” 12 *Cervantes*, 493 F.3d at 1055 (quoting 28 U.S.C. § 1915(g)). “[T]he PLRA [also] requires 13 a nexus between [any] alleged imminent danger and the violations of law alleged in the 14 prisoner’s complaint.” *Ray v. Lara*, 31 F.4th 692, 700 (9th Cir. 2022). Thus, to qualify for 15 an exception to the three-strikes rule, “a three-strikes prisoner must allege imminent danger 16 of serious physical injury that is both fairly

traceable to unlawful conduct alleged in his 17 complaint and redressable by the court.” Id. at 701. 18 B. Discussion 19 Here, the Court finds Plaintiff has well over three previous strikes pursuant to 20 U.S.C. § 1915(g). Federal courts ““may take notice of proceedings in other courts, both 21 within and without the federal judicial system, if those proceedings have a direct relation 22 to matters at issue.”” Bias v. Moynihan, 508 F.3d 1212, 1225 (9th Cir. 2007) (quoting 23 Bennett v. Medtronic, Inc., 285 F.3d 801, 803 n.2 (9th Cir. 2002)). This Court takes judicial 24 notice of federal docket proceedings available on PACER and finds that Plaintiff Jerome 25 L. Grimes, currently identified as Douglas County Jail Inmate #202528807, has filed over 26 700 civil actions in multiple federal district courts and appellate courts across the country, 27 28 1 dating back to 1986. 2 These dockets show Plaintiff has been in and out of state and local custody over the 3 course of more than three decades, and due to his vexatiousness, has been denied leave to 4 proceed IFP while incarcerated pursuant to 28 U.S.C. § 1915(g) in the Northern District of 5 California, Western District of Louisiana, Eastern District of Kentucky, Middle and 6 Northern Districts of Florida, the District of Maryland, and this district. See, e.g., Grimes 7 v. Wan, et al., No. C 07-1726-CW (PR), 2007 WL 1988530, at *1 (N.D. Cal. July 3, 2007) 8 (“On May 18, 2000, this Court informed Plaintiff that while he is a prisoner, he generally 9 is ineligible to proceed [IFP] in federal court under the ‘three-strikes’ provisions of 28 10 U.S.C. § 1915(g).”); Grimes v. Lewis, et al., No. 5:12-cv-03159-EEF-MLH (W.D. La. 11 March 13, 2013) (ECF No. 16 at 1) (“Court records show that [Grimes] has filed more 12 tha[n] 350 complaints and appeals. Three or more of them have been dismissed as 13 frivolous.”); Grimes v. Medlock, et al., No. 6:15-cv-00140-DCR (E.D. Ky. Sept. 16, 2015) 14 (“[T]he federal judiciary’s on-line database indicates that ‘Jerome L. Grimes’ has filed 15 almost 500 civil rights suits in the federal court system, mostly in California.”) (ECF No. 16 8 at 3); Grimes v. Kelly, No. 6:15-cv-02073-PGB-DAB (M.D. Fla. Dec. 16, 2015) (ECF 17 No. 5 at 2) (“A review of PACER confirms that [Grimes] has filed hundreds of actions in 18 several district courts in the United States and has had three or more cases dismissed for 19 failure to state a claim or as frivolous.”); Grimes v. Files, et al., No. 3:17-cv-00464-RV- 20 CJK (N.D. Fla. April 12, 2018) (adopting Report & Recommendation denying IFP and 21 dismissing civil action under 28 U.S.C. § 1915(g)) (ECF No. 10); Grimes v. Engram, et 22 al., No. 8:17-cv-01480-PX (D. Md. June 5, 2017) (denying IFP pursuant to 28 U.S.C. 23 § 1915(g), noting Grimes’s eight pending citations related to traffic violations in 24 Montgomery County, Maryland in 2016, and his filing of “hundreds of cases in the federal 25 courts”) (ECF No. 6 at 2); Grimes v. Enter. Rent-a-Car Co. of Los Angeles, LLC, No. 22- 26 27 1 See PACER, Party Search | PACER: PACER Case Locator (search “Jerome Grimes” as 28 1 cv-00657-RSH-KSC, 2022 WL 3109570, at *3 (S.D. Cal. Aug. 4, 2022) (denying IFP 2 pursuant to § 1915(g), dismissing case, and noting Grimes had previously filed more than 3 600 civil actions in federal courts). 4 Plaintiff’s litigation history shows he has not been precluded or dissuaded from filing 5 hundreds of federal civil actions since he was first notified that he could no longer proceed 6 IFP while incarcerated, absent

any plausible claims of imminent danger. However, the 7 “point of the PLRA, as its terms show, was to cabin not only abusive but also simply 8 meritless prisoner suits.” *Lomax v. Ortiz-Marquez*, 590 U.S. ___, 602–03, 140 S. Ct. 1721, 9 1726 (2020). Thus, this Court finds that Plaintiff has, while incarcerated, had far more than 10 three prior civil actions dismissed on the grounds that they were frivolous, malicious, or 11 failed to state a claim upon which relief may be granted. 12 Some specific examples of “strikes” filed and dismissed while Plaintiff was in the 13 custody of the California Medical Facility in Vacaville, California, and the Orange County 14 Corrections Department in Orlando, Florida include: 15 (1) *Grimes v. Cal. Dep’t of Corr., et al.*, No. 2:00-cv-00668-WBS-JFM (E.D. Cal.

16 May 2, 2000) (Order granting IFP and dismissing complaint sua sponte with leave to amend 17 for “fail[ing] to state a cognizable claim for relief” pursuant to 28 U.S.C. § 1915A(b)) (ECF 18 No. 5); *id.*, (E.D. Cal. June 22, 2000) (Findings and Recommendations [“F&Rs”] to dismiss 19 civil action for failure to amend) (ECF No. 7); *id.*, (E.D. Cal. Aug. 8, 2000) (Order adopting 20 F&Rs and dismissing action) (ECF No. 9); 21 (2) *Grimes v. CDC-CMF/Dep’t of Mental Health, et al.*, No. 2:00-cv-00781- 22 DFL-DAD (E.D. Cal. April 24, 2000) (F&Rs to grant IFP and dismiss complaint sua sponte 23 as frivolous and for failing to state a claim, pursuant to 28 U.S.C. § 1915A) (ECF No. 4); 24 25 2 See *Harris v. Mangum*, 863 F.3d 1133, 1143 (9th Cir. 2017) (“[W]hen (1) a district court 26 dismisses a complaint on the ground that it fails to state a claim, (2) the court grants leave 27 to amend, and (3) the plaintiff then fails to file an amended complaint, the dismissal counts as a strike under § 1915(g).”). 28 1 *id.*, (E.D. Cal. June 22, 2000) (F&Rs to dismiss civil action for failure to amend) (ECF No. 2 6); *id.* (E.D. Cal. Aug. 17, 2000) (Order adopting F&Rs and dismissing action) (ECF No. 3 7); 4 (3) *Grimes v. Kelly*, No. 6:15-cv-01955-RBD-GJK (M.D. Fla. Nov. 30, 2015) 5 (Order denying IFP and dismissing complaint that requested defendant police officer be 6 subject to random drug and lie detector tests and “prosecuted paramilitarily” for “fail[ing] 7 to provide a . . . claim for relief”) (ECF No. 3); 8 (4) *Grimes v. Williams, et al.*, No. 1:15-cv-03848-JKB (D. Md. Dec. 23, 2015) 9 (Memorandum and Order granting IFP and dismissing complaint for failing to state a claim 10 for relief) (ECF Nos. 3–4); and 11 (5) *Grimes v. Tate, et al.*, No. 1:15-cv-03849-JKB (D. Md. Dec. 23, 2015) 12 (Memorandum and Order granting IFP and dismissing complaint for failing to state a claim 13 for relief) (ECF Nos. 3–4). 14 Because the Court finds Plaintiff has accumulated far more than the three “strikes” 15 permitted by 28 U.S.C. § 1915(g), he can only proceed IFP if he raises “plausible 16 allegations” that he “faced ‘imminent danger of serious physical injury’ at the time of 17 filing.” *Cervantes*, 493 F.3d at 1055 (quoting 28 U.S.C. § 1915(g)). The allegations in the 18 Complaint are difficult to follow, but as best as the Court can decipher, Plaintiff seeks to 19 hold Defendants liable for “economic espionage,” “retaliation,” and invasion of privacy. 20 (ECF No. 1 at 1.) Plaintiff does not include any allegation that, even if liberally construed, 21 suggests he faced imminent danger of serious physical injury at the time he filed his 22 Complaint. Therefore, he is not entitled to the privilege of proceeding IFP in this civil 23 action. See *Rodriguez v. Cook*,

169 F.3d 1176, 1180 (9th Cir. 1999).

24 II. CONCLUSION

25 IT IS HEREBY ORDERED that Plaintiff's IFP Motion (ECF No. 2) is denied as 26 barred by
28 U.S.C. § 1915(g). 27 IT IS FURTHER ORDERED that this civil action is dismissed without
prejudice, 28 based on Plaintiff's failure to pay the full statutory and administrative \$405 civil
filing fee 1 ||required by 28 U.S.C. § 1914(a). The Court certifies that an IFP appeal from this
Order 2 || would be frivolous and not taken in good faith pursuant to 28 U.S.C. § 1915(a)(3). The
3 || Clerk of the Court shall close the case. 4 5 || Dated: October 17, 2025 Nitta Ze. Mea 6 Hon,
William Q. Hayes 7 United States District Court 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23
24 25 26 27 28 7