

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.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	William Q. Hayes
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 17, 2025
DOCKET	3:25-cv-2490-WQH-AHG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights complaint and moved to proceed in forma pauperis. The district court denied the IFP motion under the Prison Litigation Reform Act's three-strikes provision and dismissed the action without prejudice for failure to pay the filing fee.
STANDARD OF REVIEW	The court applied the statutory requirements of 28 U.S.C. § 1915(g), including review of whether plaintiff had accumulated three or more qualifying strikes and whether he plausibly alleged imminent danger of serious physical injury at the time of filing.
PRECEDENTIAL VALUE	unpublished district court order; persuasive only
PARTIES	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

TOPICS

prisoners rights civil rights section 1983 civil procedure pleadings

PRACTICE AREAS

Prisoner civil rights Federal civil procedure In forma pauperis practice

QUESTIONS PRESENTED

1. Whether plaintiff was barred from proceeding in forma pauperis under the PLRA three-strikes provision, 28 U.S.C. § 1915(g).
2. Whether plaintiff plausibly alleged imminent danger of serious physical injury sufficient to invoke the exception to § 1915(g).
3. Whether the action should be dismissed without prejudice for failure to pay the required filing fee.

HOLDINGS

1. A prisoner who has had three or more prior actions or appeals dismissed as frivolous, malicious, or for failure to state a claim may not proceed in forma pauperis in a subsequent civil action unless the statutory imminent-danger exception applies. The court found that Grimes had accumulated far more than three strikes.
2. A prisoner with three or more strikes may proceed in forma pauperis only by plausibly alleging imminent danger of serious physical injury at the time of filing, and the alleged danger must have a nexus to the unlawful conduct alleged in the complaint. Grimes did not satisfy that requirement.
3. After denying IFP status, the court dismissed the civil action without prejudice because plaintiff had not paid the full statutory and administrative filing fee required by 28 U.S.C. § 1914(a).

KEY QUOTATIONS

“Pursuant to § 1915(g), a prisoner with three strikes or more cannot proceed IFP.” (1)

“The point of the PLRA, as its terms show, was to cabin not only abusive but also simply meritless prisoner suits.” (4)

“IT IS FURTHER ORDERED that this civil action is dismissed without prejudice, based on Plaintiff’s failure to pay the full statutory and administrative \$405 civil filing fee required by 28 U.S.C. § 1914(a).” (6-7)

FACTUAL BACKGROUND

Jerome L. Grimes, a detainee at Larry D. Smith Correctional Facility, filed a pro se complaint against San Diego State University-related defendants. The complaint alleged economic espionage, retaliation, invasion of privacy, and illegal technology, but did not allege imminent danger of serious physical injury. The court took notice of

PACER proceedings and found that Grimes had filed hundreds of federal actions and had accumulated well over three qualifying strikes.

PROCEDURAL HISTORY

On September 17, 2025, Grimes filed a complaint alleging economic espionage, retaliation, invasion of privacy, and illegal technology, together with an IFP motion. The court reviewed his prior federal litigation and determined that he had accumulated more than three strikes under 28 U.S.C. § 1915(g). Because the complaint did not plausibly allege imminent danger of serious physical injury, the court denied IFP status and dismissed the case without prejudice for failure to pay the statutory and administrative filing fee.

DISPOSITION

dismissed

CASES CITED

- Moore v. Maricopa County Sheriff's Office, 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, 1052, 1055 (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, 700-701 (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)
- Lomax v. Ortiz-Marquez, 590 U.S. ___, 602-603, 140 S. Ct. 1721, 1726 (2020)
- Rodriguez v. Cook, 169 F.3d 1176, 1180 (9th Cir. 1999)
- Grimes v. Wan, et al., No. C 07-1726-CW (PR), 2007 WL 1988530, at *1 (N.D. Cal. July 3, 2007)
- Grimes v. Lewis, et al., No. 5:12-cv-03159-EEF-MLH (W.D. La. Mar. 13, 2013)
- Grimes v. Medlock, et al., No. 6:15-cv-00140-DCR (E.D. Ky. Sept. 16, 2015)
- Grimes v. Kelly, No. 6:15-cv-02073-PGB-DAB (M.D. Fla. Dec. 16, 2015)
- Grimes v. Files, et al., No. 3:17-cv-00464-RV-CJK (N.D. Fla. Apr. 12, 2018)
- Grimes v. Engram, et al., No. 8:17-cv-01480-PX (D. Md. June 5, 2017)
- Grimes v. Enterprise Rent-a-Car Co. of Los Angeles, LLC, No. 22-cv-00657-RSH-KSC, 2022 WL 3109570, at *3 (S.D. Cal. Aug. 4, 2022)
- Grimes v. California Department of Corrections, et al., No. 2:00-cv-00668-WBS-JFM (E.D. Cal. May 2, 2000)

- Grimes v. CDC-CMF/Department of Mental Health, et al., No. 2:00-cv-00781-DFL-DAD (E.D. Cal. Apr. 24, 2000)
- Grimes v. Kelly, No. 6:15-cv-01955-RBD-GJK (M.D. Fla. Nov. 30, 2015)
- Grimes v. Williams, et al., No. 1:15-cv-03848-JKB (D. Md. Dec. 23, 2015)
- Grimes v. Tate, et al., No. 1:15-cv-03849-JKB (D. Md. Dec. 23, 2015)

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