

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Lettieri v. Matthew F. Kennelly, et al.

Lettieri v. Kennelly, Civil Action No. 25-13086-BEM (D. Mass. Jan. 16, 2025) · No. 25-13086-BEM · Decided
January 15, 2026

SUMMARY

The United States District Court for the District of Massachusetts denied David C. Lettieri’s motion to proceed in forma pauperis in a civil action concerning prison mail handling and allegations involving federal judicial and correctional staff. The court concluded that Lettieri had three or more qualifying prior dismissals under 28 U.S.C. § 1915(g) and had not shown that he was under imminent danger of serious physical injury. The court directed him to pay the filing fee within 28 days or face dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Brian E. Murphy
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	January 15, 2026
DOCKET	25-13086-BEM
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner brought a non-habeas civil action and moved for leave to proceed in forma pauperis. The district court considered whether the Prison Litigation Reform Act's three-strikes exception permitted him to proceed without prepaying the filing fee.
STANDARD OF REVIEW	The court applied the statutory eligibility requirements for proceeding in forma pauperis under 28 U.S.C. § 1915, including the imminent-danger exception to the three-strikes bar.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	David C. Lettieri v. Matthew F. Kennelly, et al.

TOPICS

- prisoners rights
- civil procedure

PRACTICE AREAS

prisoner litigation

civil procedure

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Lettieri was barred by the Prison Litigation Reform Act's three-strikes provision from proceeding in forma pauperis.
2. Whether Lettieri's allegations established that he was under imminent danger of serious physical injury so as to invoke the statutory exception to the three-strikes bar.
3. Whether the failure to provide the six-month prison-account statement independently supported denial of in forma pauperis status.

HOLDINGS

1. Lettieri was a three-strikes litigant because he had previously filed at least three prisoner actions that were dismissed for failure to state a claim.
2. Lettieri's speculative allegations about a possible transfer to a more dangerous prison did not establish that he was under imminent danger of serious physical injury.
3. The motion for leave to proceed in forma pauperis was denied with prejudice.

KEY QUOTATIONS

“These speculative allegations of possible injury if he is transferred to a different prison are insufficient to show that he is “under imminent danger of serious physical injury.””

FACTUAL BACKGROUND

Lettieri, a federal prisoner confined at FMC Devens, alleged that mailroom personnel opened mail from the United States District Court for the Northern District of Illinois outside his presence and failed to treat it as legal mail. He also alleged that staff threatened to transfer him if he continued filing informal grievances and speculated that a transfer could expose him to danger because he had difficulty speaking due to a paralyzed vocal cord. The court found these allegations insufficient to show imminent danger of serious physical injury.

PROCEDURAL HISTORY

Lettieri filed a civil complaint challenging the dismissal of another action and alleging that FMC Devens personnel improperly opened his legal mail. He also moved to proceed in forma pauperis but did not submit the required six-month prison-account statement. The court determined that he had accumulated at least three qualifying strikes and that his allegations did not establish imminent danger of serious physical injury. The court denied in forma pauperis status with prejudice and ordered him to pay the filing fee within twenty-eight days or face dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Pettus v. Morgenthau, 554 F.3d 293, 297 (2d Cir. 2009)
- Lettieri v. Daniels, No. 23-00867, ECF No. 3 (W.D.N.Y. Oct. 16, 2023)
- Lettieri v. Reynolds, No. 23-00925, ECF No. 4 (W.D.N.Y. Oct. 17, 2023)
- Lettieri v. Northeast Ohio Corr. Ctr., No. 23-01690, ECF No. 5 (N.D. Ohio Nov. 22, 2023)
- Lettieri v. Federal Marshals, No. 23-01872, ECF No. 6 (N.D. Ohio Nov. 30, 2023)
- Lettieri v. New York State Troopers, No. 23-02077, ECF No. 4 (N.D. Ohio Nov. 21, 2023)
- Lettieri v. Northeast Ohio Corr. Ctr., No. 23-02172, ECF No. 4 (N.D. Ohio Dec. 11, 2023)
- Lettieri v. Santander Bank N.A., No. 24-10361-AK, ECF No. 4 (D. Mass. Mar. 15, 2024)
- Lettieri v. Santander Bank N.A., No. 24-1781, 2025 WL 2823585, at *1 (1st Cir. June 18, 2025)

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