

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

David C. Lettieri v. Keefe Group, et al.

Lettieri v. Keefe Group, et al., Civil Action No. 1:26-10533-JCB (D. Mass. Feb. 5, 2026) · No. 1:26-10533-JCB
· Decided February 5, 2026

SUMMARY

The United States District Court for the District of Massachusetts denied David Lettieri's motion to proceed in forma pauperis without prejudice under the Prison Litigation Reform Act's three-strikes provision. The court found that Lettieri had three or more qualifying prior dismissals and had not shown an imminent danger of serious physical injury related to the claims in this action, giving him 28 days to pay the filing fee or show good cause.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Jennifer C. Boal
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	February 5, 2026
DOCKET	1:26-10533-JCB
DISPOSITION	other
PROCEDURAL POSTURE	Upon reconsideration of the provisional grant of in forma pauperis status, the District of Massachusetts considered whether a federal prisoner with three or more qualifying dismissals could proceed without paying the filing fee.
STANDARD OF REVIEW	The court applied the requirements of 28 U.S.C. § 1915(g) to determine eligibility to proceed in forma pauperis.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	David C. Lettieri v. Keefe Group, et al.

TOPICS

- prisoners rights
- civil procedure
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Lettieri was barred by the Prison Litigation Reform Act's three-strikes provision from proceeding in forma pauperis.
2. Whether the complaint showed that Lettieri was under imminent danger of serious physical injury sufficient to invoke the exception to the three-strikes bar.

HOLDINGS

1. Because Lettieri had incurred three or more qualifying dismissals while incarcerated, he could not proceed in forma pauperis unless he established that he was under imminent danger of serious physical injury.
2. Lettieri did not demonstrate that he was under imminent danger of serious physical injury with respect to the misconduct alleged in his complaint, so the exception to the three-strikes bar did not apply.

KEY QUOTATIONS

“When a prisoner has three such prior dismissals, he may only proceed in forma pauperis if he is “under imminent danger of serious physical injury” with regard to the misconduct alleged in the complaint.”

“there must be a nexus between the imminent danger a three-strikes prisoner alleges to obtain IFP status and the legal claims asserted in his complaint”

FACTUAL BACKGROUND

Lettieri, a federal prisoner at FMC Devens, alleged dissatisfaction with purchasing a television show for viewing on a tablet. He also alleged that defendants threatened to transfer him to a facility where he might be stabbed and unable to call for help, and alleged that he had been assaulted, suffered bleeding wrists, coughed blood, and received inadequate medical attention. The court determined that these allegations did not establish imminent danger of serious physical injury connected to the claims supporting his action.

PROCEDURAL HISTORY

Lettieri filed a non-habeas complaint and an in forma pauperis motion in the Eastern District of Missouri. That court transferred the action to the District of Massachusetts and provisionally allowed the in forma pauperis motion subject to modification. The District of Massachusetts reconsidered the issue, denied the motion without prejudice, and gave Lettieri 28 days to pay the \$405 filing fee or show good cause why payment should not be required.

DISPOSITION

other

CASES CITED

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

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS) DAVID C
LETTIERI,)) Plaintiff,)) v.) Civil Action No. 1:26-10533-JCB) KEEFE GROUP, et al.,))
Defendants.)) ORDER February 5, 2026 Boal, M.J. On January 9, 2026, David Lettieri, a federal
prisoner in custody at FMC Devens in Ayer, Massachusetts, filed a complaint [ECF No. 1] and a
motion to proceed in forma pauperis [ECF No. 2], with the United States District Court for the
Eastern District of Missouri.

On January 13, 2026, the case was ordered transferred to this district. Opinion, Memorandum and
Order of Transfer [ECF No. 3], No. 4:26-cv-00034 (E.D. Mo. Jan. 13, 2026). Among other things,
the order provisionally allowed Lettieri's motion to proceed in forma pauperis subject to
modification by the United States District Court for the District of Massachusetts.

Id. For the reasons set forth below, and upon reconsideration, I will deny the motion without
prejudice and give Lettieri the opportunity to show why he should not be required to pay the \$405
filing fee before continuing prosecution of this action.

Under the Prison Litigation Reform Act, a prisoner bringing a non-habeas action generally cannot
proceed in forma pauperis if he has, on three or more prior occasions, filed an action or appeal that
was dismissed on the ground that it was frivolous, malicious, or failed to state a claim upon which
relief may be granted. See 28 U.S.C. § 1915(g). When a prisoner has three such prior dismissals,
he may only proceed in forma pauperis if he is “under imminent danger of serious physical injury”
with regard to the misconduct alleged in the complaint.

Id.; see also *Pettus v. Morgenthau*, 554 F.3d 293, 297 (2d Cir. 2009) (holding that “there must be a
nexus between the imminent danger a three-strikes prisoner alleges to obtain IFP status and the
legal claims asserted in his complaint”). Lettieri has, while a prisoner, filed three or more actions
in federal district courts that were dismissed for failure to state a claim upon which relief may be
granted.

See *Lettieri v. Daniels*, C.A. No. 23-00867, ECF No. 3 (W.D.N.Y. Nov. 16, 2023); *Lettieri v. Reynolds*, C.A. No. 23-00925, ECF No. 4 (W.D.N.Y. Nov. 17, 2023); *Lettieri v. Northeast Ohio Corr. Ctr.*, C.A. No. 23-01690, ECF No. 5 (N.D. Ohio Nov. 22, 2023); *Lettieri v. Federal Marshals*, C.A. No. 23-01872, ECF No. 6 (N.D. Ohio Nov. 30, 2023); *Lettieri v. New York State Troopers*, C.A.

No. 23-02077, ECF No. 4 (N.D. Ohio Nov. 21, 2023); *Lettieri v. Northeast Ohio Corr. Ctr.*, C.A. No. 23-02172, ECF No. 4 (N.D. Ohio Dec. 11, 2023). In addition, this Court has already determined that Lettieri is a “three strikes” litigant, *Lettieri v. Santander*, C.A. No. 24-10361-AK, ECF No. 4 (D. Mass. Mar. 15, 2024).

The United States Court of Appeals for the First Circuit has come to the same conclusion, see *Lettieri v. Santander Bank N.A.*, No. 24-1781 (1st Cir. June 18, 2025) (“We dismiss the appeal because... Lettieri... has not shown why the appeal should be permitted to proceed without payment of the full filing fee despite his ‘three-strikes’ status”). Lettieri alleges in the complaint that he is dissatisfied with his purchase of a television show for viewing on a tablet, ECF No. 1, ¶¶ 5-15, and that certain defendants “threatened” to transfer him to another facility where he could “be stabbed” and could not “yell for help,” and was placed in a unit where he had “been assaulted to where wrist were bleeding and had cough[ed]up blood [and where] medical didn’t care.” *Id.* at ¶¶ 16-17.

Because Lettieri has incurred three or more “strikes” and is not “under imminent danger of serious physical injury” vis-à-vis the claims in his complaint, the Court must deny the motion for leave to proceed in forma pauperis.

Accordingly, upon reconsideration, the motion for leave to proceed in forma pauperis is DENIED without prejudice. If Lettieri wishes to proceed with this action, he must, within twenty-eight (28) days, pay the \$405 filing fee or show good cause why he should not be required to do so. Failure to do so may result in dismissal of this action by a District Judge.

SO ORDERED. /s/ Jennifer C. Boal JENNIFER C. BOAL United States Magistrate Judge