

**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.

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