

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PRECEDENTIAL VALUE	unpublished, nonprecedential district court order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)

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