

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Grimes v. Scorpion, LLC

Grimes · No. 3:25-cv-2025-DMS-MSB · Decided August 13, 2025

SUMMARY

The United States District Court for the Southern District of California denied Jerome L. Grimes’s motion to proceed in forma pauperis under the Prison Litigation Reform Act’s three-strikes provision, 28 U.S.C. § 1915(g). The court found that Grimes had accumulated more than three qualifying dismissals and had not plausibly alleged imminent danger of serious physical injury. The court dismissed the action without prejudice for failure to pay the \$402 filing fee, certified that an IFP appeal would not be taken in good faith, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Dana M. Sabraw
JURISDICTION	United States District Court for the Southern District of California
DECIDED	August 13, 2025
DOCKET	3:25-cv-2025-DMS-MSB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se detainee filed a civil complaint and moved to proceed in forma pauperis. The district court denied IFP status 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 28 U.S.C. § 1915(g) to determine eligibility for IFP status and considered whether the complaint plausibly alleged imminent danger of serious physical injury at the time of filing.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Jerome L. Grimes v. Scorpion, LLC, John Doe #1, Security Guard

TOPICS

- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

1. Whether Grimes was barred from proceeding in forma pauperis under 28 U.S.C. § 1915(g) because he had accumulated three or more qualifying strikes.
2. Whether Grimes established the imminent-danger exception to the three-strikes bar.
3. Whether the action should be dismissed without prejudice for failure to pay the full filing fee after IFP status was denied.

HOLDINGS

1. A prisoner who has accumulated 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 federal civil action unless the statutory imminent-danger exception applies. Grimes had accumulated far more than three qualifying strikes and was therefore barred from proceeding IFP.
2. The imminent-danger exception requires a plausible allegation that the prisoner faced imminent danger of serious physical injury at the time of filing, and the alleged danger must be fairly traceable to unlawful conduct alleged in the complaint and redressable by the court. Grimes did not satisfy that requirement.
3. When a prisoner is denied IFP status under § 1915(g) and does not pay the full statutory filing fee, the civil action may be dismissed without prejudice.

KEY QUOTATIONS

“Pursuant to § 1915(g), a prisoner with three strikes or more cannot proceed IFP.” (at 2)

“a three-strikes prisoner must allege imminent danger of serious physical injury that is both fairly traceable to unlawful conduct alleged in his complaint and redressable by the court.” (at 3)

“DENIES Grimes’s Motion to Proceed IFP (ECF No. 2) as barred by 28 U.S.C. § 1915(g); DISMISSES this civil action without prejudice based on Grimes’s failure to pay the full statutory and administrative \$402 civil filing fee required by 28 U.S.C. § 1914(a)” (at 7)

FACTUAL BACKGROUND

Jerome L. Grimes, a detainee, filed a pro se complaint against Scorpion, LLC and a security guard alleging economic espionage, fraud, and negligence. The complaint did not plausibly allege that Grimes faced imminent danger of serious physical injury when he filed it. Judicially noticed federal docket records showed that Grimes had filed more than 600 civil actions and had accumulated well over three qualifying dismissals while incarcerated.

PROCEDURAL HISTORY

Grimes filed a complaint alleging economic espionage, fraud, and negligence, together with a motion to proceed in forma pauperis. The court took judicial notice of federal docket proceedings and determined that Grimes had accumulated more than three qualifying strikes while incarcerated and had not plausibly alleged imminent danger of serious physical injury. The court denied the IFP motion, dismissed the action without prejudice for failure to pay the statutory and administrative filing fee, certified that an IFP appeal would be frivolous and not taken in good faith, and directed the Clerk to close the case.

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, 1051-52, 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, 700-01 (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)
- United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992)
- Grimes v. Wan, et al., Civil Case No. 07-cv-1726-CW (PR), 2007 WL 1988530, at *1 (N.D. Cal. July 3, 2007)
- Grimes v. Oakland Police Dept., C 00-1100 CW (Order Dismissing Complaint, May 18, 2000)
- Grimes v. Roman, et al., Civil Case No. 17-cv-03288-JSW (N.D. Cal. July 19, 2017)
- Grimes v. Lewis, et al., Civil Case No. 5:12-cv-03159-EEF-MLH (W.D. La. Mar. 13, 2013)
- Grimes v. Medlock, et al., Civil Case No. 6:15-cv-00140-DCR (E.D. Ky. Sept. 16, 2015)
- Grimes v. Kelly, Civil Case No. 6:15-cv-02073-PGB-DAB (M.D. Fla. Dec. 16, 2015)
- Grimes v. Files, et al., Civil Case No. 3:17-cv-00464-RV-CJK (N.D. Fla. Apr. 12, 2018)
- Grimes v. Engram, et al., Civil Case No. 8:17-cv-01480-PX (D. Md. June 5, 2017)
- Grimes v. Enterprise Rent-a-Car of Los Angeles, LLC, No. 22-cv-00657-RSH-KSC, 2022 WL 3109570, at *3 (S.D. Cal. Aug. 4, 2022)
- Harris v. Mangum, 863 F.3d 1133, 1143 (9th Cir. 2017)
- Rodriguez v. Cook, 169 F.3d 1176, 1180 (9th Cir. 1999)
- Franklin v. Murphy, 745 F.2d 1221, 1231 (9th Cir. 1984)

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