

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

OPINION

Grimes v. Scorpion, LLC.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 JEROME L. GRIMES, Case No.: 3:25-cv-2025-DMS-MSB 12

ORDER: (1) DENYING MOTION TO

Plaintiff,

13 PROCEED IN FORMA PAUPERIS

v. AS BARRED BY 28 U.S.C. § 1915(g)

14

[ECF No. 2] AND

SCORPION, LLC; JOHN DOE #1,

15 Security Guard,

(2) DISMISSING CIVIL ACTION

16

WITHOUT PREJUDICE FOR

17 Defendants. FAILURE TO PAY FILING FEE

REQUIRED BY 28 U.S.C. § 1914(a)

18 19

20 I. INTRODUCTION

21 Plaintiff, Jerome L. Grimes, a detainee at Larry D. Smith Correctional Facility in 22 Riverside
County, has filed a pro se Complaint and a Motion to Proceed In Forma Pauperis 23 (“IFP”). ECF
Nos. 1, 2. In his Complaint, Plaintiff alleges acts of “economic espionage, 24 fraud and negligence
by Defendants. See ECF No. 1. For the reasons discussed below, the 25 Court denies Plaintiff’s
IFP motion and dismisses the case without prejudice.

26 II. IFP MOTION

27 A. Standard of Review 28 “All persons, not just prisoners, may seek IFP status.” Moore v.
Maricopa County 1 Sheriff’s Office, 657 F.3d 890, 892 (9th Cir. 2011). Prisoners like Grimes,
however, “face 2 an additional hurdle.” Id. 3 In addition to requiring prisoners to “pay the full

amount of a filing fee,” in “monthly 4 installments” or “increments” as provided by 28 U.S.C. § 1915(a)(3)(b), the Prison 5 Litigation Reform Act (“PLRA”) amended section 1915 to preclude the privilege to 6 proceed IFP in cases where the prisoner: 7 . . . has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was 8 dismissed on the grounds that it is frivolous, malicious, or fails to state a claim 9 upon which relief can be granted, unless the prisoner is under imminent danger of serious physical injury. 10 11 28 U.S.C. § 1915(g). “This subdivision is commonly known as the ‘three strikes’ 12 provision.” *Andrews v. King*, 398 F.3d 1113, 1116 n.1 (9th Cir. 2005). “Pursuant to 13 § 1915(g), a prisoner with three strikes or more cannot proceed IFP.” *Id.*; see also *Andrews 14 v. Cervantes*, 493 F.3d 1047, 1052 (9th Cir. 2007) (hereafter “*Cervantes*”) (stating that 15 under the PLRA, “[p]risoners who have repeatedly brought unsuccessful suits may entirely 16 be barred from IFP status under the three strikes rule[.]”). The objective of the PLRA is to 17 further “the congressional goal of reducing frivolous prisoner litigation in federal court.” 18 *Tierney v. Kupers*, 128 F.3d 1310, 1312 (9th Cir. 1997). 19 “Strikes are prior cases or appeals, brought while the plaintiff was a prisoner, which 20 were dismissed on the ground that they were frivolous, malicious, or failed to state a claim,” 21 *Andrews*, 398 F.3d at 1116 n.1 (internal quotations omitted), “even if the district court 22 styles such dismissal as a denial of the prisoner’s application to file the action without 23 prepayment of the full filing fee.” *O’Neal v. Price*, 531 F.3d 1146, 1153 (9th Cir. 2008). 24 When courts “review a dismissal to determine whether it counts as a strike, the style of the 25 dismissal or the procedural posture is immaterial. Instead, the central question is whether 26 the dismissal ‘rang the PLRA bells of frivolous, malicious, or failure to state a claim.’” *El- 27 Shaddai v. Zamora*, 833 F.3d 1036, 1042 (9th Cir. 2016) (quoting *Blakely v. Wards*, 738 28 F.3d 607, 615 (4th Cir. 2013)). 1 Once a prisoner has accumulated three strikes, section 1915(g) prohibits his pursuit 2 of any subsequent IFP civil action or appeal in federal court unless he “makes a plausible 3 allegation that [he] faced ‘imminent danger of serious physical injury’ at the time of filing.” 4 *Cervantes*, 493 F.3d at 1051–52 (quoting 28 U.S.C. § 1915(g)). “[T]he PLRA [also] 5 requires a nexus between [any] alleged imminent danger and the violations of law alleged 6 in the prisoner’s complaint.” *Ray v. Lara*, 31 F.4th 692, 700 (9th Cir. 2022). Thus, to 7 qualify for an exception, “a three-strikes prisoner must allege imminent danger of serious 8 physical injury that is both fairly traceable to unlawful conduct alleged in his complaint 9 and redressable by the court.” *Id.* at 701. 10 B. Discussion 11 Grimes’s allegations are far from clear, but as best the Court can decipher, he seeks 12 to hold Defendants liable for “economic espionage,” fraud, and negligence. See ECF No. 13 1 at 1. However, Grimes does not include any “plausible allegations” to suggest he “faced 14 ‘imminent danger of serious physical injury’ at the time of filing.” *Cervantes*, 493 F.3d at 15 1055 (quoting 28 U.S.C. § 1915(g)). 16 Courts “‘may take notice of proceedings in other courts, both within and without the 17 federal judicial system, if those proceedings have a direct relation to matters at issue.’” 18 *Bias v. Moynihan*, 508 F.3d 1212, 1225 (9th Cir. 2007) (quoting *Bennett v. Medtronic, Inc.*, 19 285 F.3d

801, 803 n.2 (9th Cir. 2002)); see also *United States ex rel. Robinson Rancheria 20 Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992). Therefore, this Court 21 takes judicial notice of federal docket proceedings available on PACER and finds that 22 Plaintiff Jerome L. Grimes, currently identified as Douglas County Jail Inmate 23 #202528807, has filed over 600 civil actions in multiple federal district courts across the 24 country dating back to 1986.1 25 These dockets show Grimes has been in and out of state and local custody over the 26 27 1 See <https://pcl.uscourts.gov/pcl/pages/search/results/parties.jsf?sid=ae66c80e47444979> 28 1 course of more than three decades, and due to his vexatiousness, has been denied leave to 2 proceed IFP while incarcerated pursuant to 28 U.S.C. § 1915(g) in the Northern District of 3 California, Western District of Louisiana, Eastern District of Kentucky, Middle and 4 Northern Districts of Florida, the District of Maryland, and this district. See e.g., *Grimes v. 5 Wan, et al.*, Civil Case No. 07-cv-1726-CW (PR), 2007 WL 1988530, at *1 (N.D. Cal. July 6 3, 2007) (“On May 18, 2000, this Court informed Plaintiff that while he is a prisoner, he 7 generally is ineligible to proceed [IFP] in federal court under the ‘three-strikes’ provisions 8 of 28 U.S.C. § 1915(g).”) (citing *Grimes v. Oakland Police Dept.*, C 00-1100 CW (Order 9 Dismissing Complaint, 5/18/00)); *Grimes v. Roman, et al.*, Civil Case No. 17-cv-03288- 10 JSW (N.D. Cal. July 19, 2017) (ECF No. 4) (noting that “[i]n 2003 alone, [Grimes’s] failure 11 to comply [with court orders granting leave to pay the full filing fee and to state cognizable 12 claims for relief] resulted in the dismissal of approximately thirty-six actions under § 13 1915(g).”); *Grimes v. Lewis, et al.*, Civil Case No. 5:12-cv-03159-EEF-MLH (W.D. La.

14 March 13, 2013) (ECF No. 16 at 1) (“Court records show that [Grimes] has filed more 15 tha[n] 350 complaints and appeals. Three or more of them have been dismissed as 16 frivolous.”); *Grimes v. Medlock, et al.*, Civil Case No. 6:15-cv-00140-DCR (E.D. Ky. Sept. 17 16, 2015) (“[T]he federal judiciary’s on-line database indicates that ‘Jerome L. Grimes’ 18 has filed almost 500 civil rights suits in the federal court system, mostly in California.”) 19 (ECF No. 8 at 3); *Grimes v. Kelly*, Civil Case No. 6:15-cv-02073-PGB-DAB (M.D. Fla.

20 Dec. 16, 2015) (ECF No. 5 at 2) (“A review of PACER confirms that [Grimes] has filed 21 hundreds of actions in several district courts in the United States and has had three of more 22 cases dismissed for failure to state a claim or as frivolous.”); *Grimes v. Files, et al.*, Civil 23 Case No. 3:17-cv-00464-RV-CJK (N.D. Fla. April 12, 2018) (adopting Report & 24 Recommendation deny IFP and dismissing civil action under 28 U.S.C. § 1915(g)) (ECF

25 No. 10); *Grimes v. Engram, et al.*, Civil Case No. 8:17-cv-01480-PX (D. Md. June 5, 2017) 26 (denying IFP pursuant to 28 U.S.C. § 1915(g), noting Grimes’s eight pending citations 27 related to traffic violations in Montgomery County, Maryland in 2016, and his filing of 28 “hundreds of cases in the federal courts.”) (ECF No. 6 at 2); *Grimes v. Enter. Rent-a-Car 1 Co. of Los Angeles, LLC*, No. 22-cv-00657-RSH-KSC, 2022 WL 3109570, at *3 (S.D. Cal.

2 Aug. 4, 2022) (denying IFP pursuant to § 1915(g), dismissing case and noting Grimes had 3 previously filed more than 600 civil actions in federal courts). 4 While Grimes’ litigation history

shows he has not been precluded or dissuaded from 5 filing hundreds of federal civil actions since he was first notified of his ability to further 6 proceed in forma pauperis while incarcerated absent any plausible claims of imminent 7 danger, “[t]he point of the PLRA, as its terms show, was to cabin not only abusive but also 8 simply meritless prisoner suits.” *Lomax v. Ortiz-Marquez*, 590 U.S. 595, 602–03 (2020). 9 Thus, this Court finds that Plaintiff Jerome L. Grimes, has while incarcerated had far more 10 than three prior civil actions dismissed on the grounds that they were frivolous, malicious, 11 or failed to state a claim upon which relief may be granted. 12 Some specific examples of “strikes” filed and dismissed while Grimes was in 13 custody of the California Medical Facility in Vacaville, California, and the Orange County 14 Corrections Department in Orlando, Florida are: 15 (1) *Grimes v. Cal. Dept. of Corrections, et al.*, Civil Case No. 2:00-cv-00668- 16 WBS-JFM (E.D. Cal. May 2, 2000) (Order granting IFP and dismissing complaint sua 17 sponte with leave to amend for “fail[ing] to state a cognizable claim for relief” pursuant to 18 28 U.S.C. § 1915A(b)) (ECF No. 5); *id.*, (E.D. Cal. June 22, 2000) (Findings and 19 Recommendations [“F&Rs”] to dismiss civil action for failure to amend) (ECF No. 7); *id.*, 20 (E.D. Cal. Aug. 8, 2000 Order adopting F&Rs and dismissing action) (ECF No. 9); 21 (2) *Grimes v. CDC-CMF/Dept. of Mental Health, et al.*, Civil Case No. 2:00-cv- 22 00781-DFL-DAD (E.D. Cal. April 24, 2000) (F&R granting IFP and to dismiss complaint 23 sua sponte pursuant to 28 U.S.C. § 1915A as frivolous and for failing to state a claim) (ECF 24 25 2 See *Harris v. Mangum*, 863 F.3d 1133, 1143 (9th Cir. 2017) (“[W]hen (1) a district court 26 dismisses a complaint on the ground that it fails to state a claim, (2) the court grants leave 27 to amend, and (3) the plaintiff then fails to file an amended complaint, the dismissal counts as a strike under § 1915(g).”). 28

1 No. 4); *id.*, (E.D. Cal. June 22, 2000) (F&Rs to dismiss civil action for failure to amend) 2 (ECF No. 6); *id.* (E.D. Cal. Aug. 17, 2000) (Order adopting F&Rs and dismissing action) 3 (ECF No. 7); 4 (3) *Grimes v. Kelly*, Civil Case No. 6:15-cv-01955-RBD-GJK (M.D. Fla. Nov. 5 30, 2015) (Order denying IFP and dismissing complaint requesting Defendant police 6 officer be subject to random drug and lie detector tests and to be “prosecuted paramilitarily” 7 “for fai[ing] to provide a ... claim for relief.”) (ECF No. 3); 8 (4) *Grimes v. Williams, et al.*, Civil Case No. 1:15-cv-03848-JKB (D. Md. Dec. 9 23, 2015) (Memorandum and Order granting IFP and dismissing complaint for failing to 10 state a claim for relief) (ECF Nos. 3, 4); and 11 (5) *Grimes v. Tate, et al.*, Civil Case No. 1:15-cv-03849-JKB (D. Md. Dec. 23, 12 2015) (Memorandum and Order granting IFP and dismissing complaint for failing to state 13 a claim for relief) (ECF Nos. 3, 4). 14 Accordingly, because Grimes has, while incarcerated, accumulated far more than 15 the three “strikes” permitted by 28 U.S.C. § 1915(g), and he fails to make any “plausible 16 allegations” that he faced imminent danger of serious physical injury at the time he filed 17 his Complaint, he is not entitled to the privilege of proceeding IFP in this civil action. See 18 *Cervantes*, 493 F.3d at 1055; *Rodriguez v. Cook*, 169 F.3d 1176, 1180 (9th Cir. 1999) 19 (finding that 28 U.S.C. § 1915(g) “does not prevent all prisoners from accessing the courts; 20 it only

precludes prisoners with a history of abusing the legal system from continuing to 21 abuse it while enjoying IFP status”); see also *Franklin v. Murphy*, 745 F.2d 1221, 1231 22 (9th Cir. 1984) (“[C]ourt permission to proceed IFP is itself a matter of privilege and not 23 right.”).

24 III. CONCLUSION AND ORDER

25 For the reasons discussed above, the Court DENIES Grimes’s Motion to Proceed 26 IFP (ECF No. 2) as barred by 28 U.S.C. § 1915(g); DISMISSES this civil action without 27 prejudice based on Grimes’s failure to pay the full statutory and administrative \$402 civil 28 filing fee required by 28 U.S.C. § 1914(a); CERTIFIES that an IFP appeal from this Order 1 || would be frivolous and not taken in good faith pursuant to 28 U.S.C. § 1915(a)(3); and 2 || DIRECTS the Clerk of the Court to close the case. 3 IT IS SO ORDERED. 4 || Dated: August 13, 2025 » Yim Yn. 5 Hon. DanaM. Sabraw 6 United States District Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 7