

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Troy Jaynes v. Robert Sweeney, et al.

Jaynes v. Sweeney, No. 3:26-CV-436 (VDO) (D. Conn. May 4, 2026) · No. No. 3:26-CV-436 (VDO) · Decided May 4, 2026

SUMMARY

The United States District Court for the District of Connecticut denied Troy Jaynes's motion to proceed in forma pauperis under the Prison Litigation Reform Act's three-strikes rule. The court also denied his motion for appointment of counsel without prejudice as premature and held further proceedings in abeyance pending payment of the filing fee.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Vernon D. Oliver
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	May 4, 2026
DOCKET	No. 3:26-CV-436 (VDO)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, an incarcerated pro se litigant, filed a civil rights complaint, a motion to proceed in forma pauperis, and a motion to appoint counsel. The district court denied both motions and held further proceedings in abeyance pending payment of the filing fee.
STANDARD OF REVIEW	The court reviewed the complaint and motion under the statutory requirements of 28 U.S.C. § 1915(g), determining whether the three-strikes bar applied and whether the imminent-danger exception was satisfied.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Troy Jaynes v. Robert Sweeney, et al.

TOPICS

- prisoners rights
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether 28 U.S.C. § 1915(g)'s three-strikes bar applied based on Plaintiff's prior dismissals.
2. Whether Plaintiff alleged imminent danger of serious physical injury sufficient to invoke the exception to the three-strikes bar.
3. Whether Plaintiff's motion to appoint counsel should be granted after denial of in forma pauperis status.

HOLDINGS

1. The three-strikes rule of 28 U.S.C. § 1915(g) applied because Plaintiff had at least three prior actions dismissed on qualifying grounds.
2. The imminent-danger exception did not apply because the complaint alleged no facts showing that Plaintiff faced imminent danger of serious physical harm when he filed the action.
3. The motion to appoint counsel was denied without prejudice as premature because Plaintiff's motion to proceed in forma pauperis was denied.

KEY QUOTATIONS

“In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner 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 dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” (1)

“The complaint does not allege any facts to suggest that Plaintiff was in any danger, let alone imminent danger of serious physical harm, at the time he filed this action.” (2)

FACTUAL BACKGROUND

Plaintiff Troy Jaynes was incarcerated in the Connecticut Department of Correction and filed a pro se civil rights complaint against three attorneys. The complaint alleged ineffective assistance of counsel relating to attorney representation in a case dating back to 1990. The opinion identified at least four prior actions brought by Jaynes in the District of Connecticut that had been dismissed on grounds qualifying as strikes under § 1915(g).

PROCEDURAL HISTORY

Jaynes filed a section 1983 complaint against three attorneys concerning their representation of him in a case dating to 1990. He moved to proceed in forma pauperis and for appointment of counsel. The court determined that he had at least three qualifying prior dismissals under 28 U.S.C. § 1915(g), found no allegation of imminent danger of serious physical injury, denied in forma pauperis status, denied appointment of counsel without prejudice as premature, and ordered him to pay the filing fee within 30 days or face dismissal.

DISPOSITION

other

CASES CITED

- Pettus v. Morgenthau, 554 F.3d 293, 296 (2d Cir. 2009)
- Jaynes v. New Haven Police Dept, No. 07-CV-547 (RNC) (dismissed May 29, 2007)
- Jaynes v. Superior Court, No. 07-CV-1051 (AVC) (dismissed July 18, 2007)
- Jaynes v. Quiros, No. 21-CV-657 (VLB) (dismissed October 7, 2021)
- Jaynes v. Sweeney, No. 21-CV-1464 (VAB) (dismissed July 1, 2022)
- Akassy v. Hardy, No. 17-CV-4120, 2017 WL 6387729, at *2 (S.D.N.Y. June 16, 2017)

OPINION

Jaynes

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

----- x TROY JAYNES, : Plaintiff, : -against- :
3:26-CV-436 (VDO) ROBERT SWEENEY, et al., : Defendants. : -----
----- x

ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS

Plaintiff Troy Jaynes, a plaintiff incarcerated in the Department of Correction, has filed a pro se civil rights complaint against three attorneys.¹ Before the Court now is Plaintiff's motion to proceed in forma pauperis² and a motion to appoint counsel.³ Upon review of Plaintiff's complaint and motions, the Court concludes that Plaintiff's motion to proceed in forma pauperis and motion to appoint counsel must be denied. The Prison Litigation Reform Act ("PLRA") amended the statute governing proceedings filed in forma pauperis. In relevant part, Section 804(d) of the PLRA amended 28 U.S.C. § 1915 by adding the following subsection: (g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner 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 dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury. 1 ECF No. 1 at 1. 2 ECF No. 2. 3 ECF No. 4. Thus, § 1915 now contains a "three-strikes" rule that bars plaintiffs from proceeding in forma pauperis if they have a history of filing frivolous or malicious lawsuits. See Pettus v. Morgenthau, 554 F.3d 293, 296 (2d Cir. 2009). There is an exception to this rule, however, for plaintiffs who allege imminent danger of serious physical harm. See id. For a plaintiff to qualify for the "imminent danger" exception and proceed without prepayment of the filing fee, two requirements must be met. The plaintiff must show that: (1) such imminent danger

of serious physical injury is fairly traceable to unlawful conduct alleged in the complaint, and (2) a favorable judicial outcome would redress the injury. See *id.* at 298–99. In addition, the danger of imminent harm must be present at the time the complaint is filed. See *id.* at 296. The first question is whether the three-strikes rule applies to Plaintiff. Upon review of previous cases he has initiated, all in the District of Connecticut, the Court finds that at least three were dismissed on grounds cited in 28 U.S.C. § 1915(g). See *Jaynes v. New Haven Police Dept*, No. 07-CV-547 (RNC) (dismissed May 29, 2007); *Jaynes v. Superior Court*, No. 07- CV-1051 (AVC) (dismissed July 18, 2007); *Jaynes v. Quiros*, No. 21-CV-657 (VLB) (dismissed October 7, 2021); and *Jaynes v. Sweeney*, No. 21-CV-1464 (VAB) (dismissed July 1, 2022). Thus, the three-strikes rule applies to Plaintiff. The second question is whether Plaintiff’s complaint suggests an imminent danger of harm. The complaint appears to allege claims of ineffective assistance of counsel against attorneys in connection with their representation of Plaintiff in a case dating back to 1990.⁴ 4 See ECF No. 1 at 3–16. 2 Setting aside whether such a claim would be timely or cognizable in a section 1983 suit, the complaint does not allege any facts to suggest that Plaintiff was in any danger, let alone imminent danger of serious physical harm, at the time he filed this action. See *Akassy v. Hardy*, No. 17-CV-4120, 2017 WL 6387729, at *2 (S.D.N.Y. June 16, 2017) (concluding that plaintiff was not “in imminent danger of serious physical injury” where he brought his lawsuits “against his court-appointed trial attorneys in an underlying state-court criminal proceeding, asserting state-law claims”). Plaintiff’s motion to proceed in forma pauperis, ECF No. 2, is therefore DENIED. Because this motion is denied, Plaintiff’s motion for appointment of counsel, ECF No. 4, is DENIED without prejudice as premature. If Plaintiff seeks to proceed with this case, he must submit the filing fee within 30 days. Accordingly, all further proceedings in the matter shall be held in abeyance until June 4, 2026, pending Plaintiff’s delivery of the filing fee in the amount of \$405.00 (money order or bank check made payable to the Clerk of Court) to the Clerk’s Office, 915 Lafayette Blvd., Bridgeport, Connecticut, 06604. Failure to tender the filing fee by this date will result in dismissal of this action. Hartford, Connecticut May 4, 2026 /s/Vernon D. Oliver

VERNON D. OLIVER

United States District Judge 3