

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Lionel Davis v. Sheriff Susan Hutson, et al.

No. 26-00385, Section L(3) (E.D. La. Apr. 9, 2026) · No. No. 26-00385 · Decided April 9, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denies Lionel Davis’s motion to proceed in forma pauperis under the Prison Litigation Reform Act’s three-strikes provision. The court finds that Davis failed to demonstrate imminent danger of serious physical injury and denies his extension request as unnecessary. The court also discusses the improper inclusion of signatures from other prisoners and explains that they must file separate actions if they wish to pursue similar claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	April 9, 2026
DOCKET	No. 26-00385
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner brought a 42 U.S.C. § 1983 action concerning conditions of confinement and moved to proceed in forma pauperis under 28 U.S.C. § 1915. He also moved for additional time to file a certified trust-fund-account statement, although he had provided the statement. The court considered whether the Prison Litigation Reform Act's three-strikes bar and imminent-danger exception permitted pauper status and whether additional prisoners could join the action.
STANDARD OF REVIEW	The court applied the statutory requirements of 28 U.S.C. § 1915(g), including whether the complaint alleged a real and proximate imminent danger of serious physical injury, and the requirements governing prisoner filing fees and pro se representation.
PRECEDENTIAL VALUE	unpublished district-court order
PARTIES	Lionel Davis v. Sheriff Susan Hutson, P. Toledano

TOPICS

- prisoners rights
- section 1983
- civil procedure
- joinder
- pleadings

PRACTICE AREAS

civil rights

prisoner litigation

federal civil procedure

QUESTIONS PRESENTED

1. Whether Davis was barred by 28 U.S.C. § 1915(g) from proceeding in forma pauperis after having accumulated three qualifying strikes.
2. Whether Davis satisfied the imminent-danger exception to the PLRA three-strikes bar.
3. Whether other prisoners who signed an exhibit but did not sign the complaint, appear in the caption, or submit pauper applications could join the action or be represented by Davis.
4. Whether Davis was entitled to additional time to file a certified trust-fund-account statement.

HOLDINGS

1. Davis had accumulated at least three qualifying strikes under 28 U.S.C. § 1915(g), so he could not proceed in forma pauperis unless he satisfied the imminent-danger exception.
2. Davis's complaint did not demonstrate that he was in imminent danger of serious physical injury, so the imminent-danger exception did not permit him to proceed in forma pauperis.
3. The other prisoners who signed the attached exhibit were not properly joined as plaintiffs, and Davis could not represent them because a pro se litigant may represent only himself and may not act as counsel for other prisoners.
4. The motion for an extension of time was denied as unnecessary because Davis had simultaneously provided the certified trust-fund-account statement.

KEY QUOTATIONS

“To meet the imminent danger requirement, the threat must be “real and proximate” and based on fact, not conjecture.” (at 2)

“The exception in the statute refers to “a genuine emergency” in which “time is pressing.”” (at 3)

“Certainly, Davis cannot function as counsel for other prisoners to pursue relief on their behalf.” (at 4)

FACTUAL BACKGROUND

Davis, an inmate at the Orleans Justice Center, filed a § 1983 complaint concerning conditions of confinement. Court records showed that at least three of his prior federal § 1983 actions had been dismissed as frivolous, malicious, or for failure to state a claim. The present complaint did not demonstrate that Davis faced an imminent danger of serious physical injury. An exhibit attached to the complaint was signed by approximately 30 other prisoners, but those prisoners were not named as parties, did not sign the complaint, and did not submit pauper applications.

PROCEDURAL HISTORY

Davis filed a § 1983 complaint against the Sheriff of Orleans Parish and P. Toledano and sought leave to proceed in forma pauperis. The court found that Davis had accumulated at least three qualifying strikes under the PLRA and that his complaint did not allege imminent danger of serious physical injury. The court also addressed an exhibit signed by approximately 30 other prisoners, concluding that they had not properly joined the action and could not be represented by Davis. The court denied both the in forma pauperis motion and the extension motion.

DISPOSITION

other

CASES CITED

- Bailey v. Foti, Jr., et al., No. 89-1083 “F”(1) (E.D. La. 1989)
- Davis v. McMorris, et al., No. 96-0273 (M.D. La. 1996)
- Davis v. Stalder, 95 F.3d 45 (5th Cir. 1996)
- Newman v. Harris, 770 F. App’x 216 (5th Cir. 2019)
- Valdez v. Bush, No. 08-148, 2008 WL 4710808, at *1 (N.D. Tex. Oct. 24, 2009)
- Ciarpaglini v. Saini, 352 F.3d 328, 330 (7th Cir. 2003)
- Cloud v. Stotts, 455 F. App’x 534, 534 (5th Cir. 2011)
- Heimerman v. Litscher, 337 F.3d 781, 782 (7th Cir. 2003)
- Abdul-Akbar v. McKelvie, 239 F.3d 307, 313 (5th Cir. 2001)
- Medberry v. Butler, 185 F.3d 1189, 1193 (11th Cir. 1999)
- Gonzales v. Wyatt, 157 F.3d 1016, 1021 (5th Cir. 1998)
- Eagle Associates v. Bank of Montreal, 926 F.2d 1305, 1308-09 (2d Cir. 1991)
- Jenkins v. Livingston, No. 6:09cv560, 2010 WL 1740785, at *1 (E.D. Tex. Jan. 14, 2020)