

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

DUNCAN J. MCNEILL III

v.

PRISONER
CASE NO. 3:05CV1006 (MRK)

UNITED STATES, ET AL.

RULING AND ORDER

On August 26, 2005, the court filed its ruling denying plaintiff's application to proceed in forma pauperis because five complaints filed by the plaintiff had been dismissed as frivolous and malicious and the plaintiff had not alleged that he was in "imminent danger of serious physical injury." 28 U.S.C. § 1915(g). The court directed the plaintiff to pay the filing fee within thirty days of the ruling. In response, the plaintiff has filed a motion to modify or alter the court's ruling. The court construes the motion as a motion for reconsideration.

The standard for granting a motion for reconsideration is strict. See Schrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). Such a motion generally will be denied unless the "moving party can point to controlling decisions or data that the court overlooked-matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Id.

The plaintiff is currently incarcerated in the Spokane County Jail in Spokane, Washington. He claims that the court erred in concluding that he is not in imminent danger of harm. He asserts that his conditions of confinement and the intentional indifference of Spokane prison officials to his health and welfare place him in imminent danger of serious physical injury . The defendants in this action are the district and bankruptcy

courts for District of Connecticut and other federal agencies and federal employees. None of the defendants are prison officials from the Spokane County Jail. The plaintiff alleges in his complaint that the federal courts, officials and agencies have failed to perform their duties. The plaintiff seeks to have this court and the federal agencies and employees enforce a foreign judgment entered by the Eastern District of Washington. There are no allegations in the complaint, nor do the facts in the complaint suggest, that the plaintiff will be subject to imminent physical injury if he is not permitted to proceed in this action in forma pauperis. In addition, the claims asserted in his motion regarding the actions of prison officials in the State of Washington are conclusory and unrelated to the allegations in the complaint.

The Motion for Reconsideration [**doc. #10**] is **GRANTED**. After careful reconsideration, the court **AFFIRMS** its prior Ruling [**doc. # 9**] denying plaintiff's application to proceed in forma pauperis. The court will permit the plaintiff an additional **twenty days** to deliver the filing fee in the amount of \$250.00 (cash, bank check or money order made payable to the Clerk of Court) to the Clerk's Office, 915 Lafayette Boulevard, Bridgeport, CT 06604. Failure to tender the filing fee within twenty days of the date of this Order will result in the dismissal of this action.

SO ORDERED at Bridgeport, Connecticut, this 26th day of October, 2005.

_____/s/_____
Holly B. Fitzsimmons
United States District Judge