

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

DUNCAN J. McNEIL,	:	
	:	
Plaintiff,	:	PRISONER
	:	NO. 3:05CV1006 (MRK)
v.	:	
	:	
UNITED STATES OF AMERICA ET AL.,	:	
	:	
Defendants.	:	

**JUDGMENT OF DISMISSAL**

Currently pending before the Court are *pro se* Plaintiff Duncan J. McNeil's Motion to Appoint Counsel [doc. #2], Motion for Judgment [doc. #7], Motion for Issuance of Execution [doc. #7], Motion for Granting Judicial Notice of the Attached Writ of Obedience Order [doc. #7], Motion for Preliminary Injunction [doc. #7], Motion for Temporary Restraining Order [doc. #7], Motion to Amend/Correct [1] Complaint [doc. #8], Motion to Alter Judgment [doc. #12], Motion to Amend/Correct Order on Motion for Miscellaneous Relief [doc. #12], and Motion for Extension of Time to Obtain Relief [doc. #12].

Mr. McNeil has been deemed a "vexatious litigant" by the United States District Court for the Eastern District of Washington, due to his filing of frivolous complaints in up to 70 different federal district courts throughout the nation. *See McNeil v. United States et al.*, No. CV-05-211-AAM, 2005 WL 1915842 at \*1 (E.D. Wash., Aug. 9, 2005). The court in Washington ordered that a copy of its Order of Dismissal, along with attachments, be sent to every district court in the United States as notification of Mr. McNeil's abuses of the judicial process. *Id.*

On August 25, 2005, Magistrate Judge Holly B. Fitzsimmons took note of Mr. McNeil's history of filing frivolous complaints and entered an order [doc. #9] vacating an earlier order [doc.

#6] granting Mr. McNeil's Motion to Proceed *In Forma Pauperis* [doc. #5]. Explaining the duty of a court under the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), to deny IFP status to a prisoner who has "on 3 or more prior occasions, while incarcerated . . . brought an action or appeal in a [federal] court . . . that was dismissed on the grounds that it was frivolous, malicious, or fails to state a claim on which relief may be granted, unless the prisoner is under imminent danger of serious physical injury," *id.*, Judge Fitzsimmons noted that at least five claims brought by Mr. McNeil during his incarceration had been dismissed as frivolous by the Eastern District of Washington, and that he had not alleged any facts in support of his conclusory assertion that he was in imminent danger of physical harm. *See* Order [doc. #9] at 2. Accordingly, Judge Fitzsimmons vacated her prior grant of IFP status and ordered Mr. McNeil that he must pay the \$250 filing fee by September 26, 2005, or have his case dismissed. *Id.* at 3. On October 27, 2005, Judge Fitzsimmons issued a Ruling and Order [doc. #11] affirming her denial of Mr. McNeil's application for IFP status, and directing Mr. McNeil to submit the filing fee within twenty days or have his Complaint dismissed

Mr. McNeil has failed to deliver the filing fee to the Court as specified. Therefore, Mr. McNeil's suit must be DISMISSED. Accordingly, the Court DENIES AS MOOT Mr. McNeil's Motion to Appoint Counsel [doc. #2], Motion for IFP status [doc. #2], Motion for Judgment [doc. #7], Motion for Issuance of Execution [doc. #7], Motion for Granting Judicial Notice of the Attached Writ of Obedience Order [doc. #7], Motion for Preliminary Injunction [doc. #7], Motion for Temporary Restraining Order [doc. #7], Motion to Amend/Correct [1] Complaint [doc. #8], Motion to Alter Judgment [doc. #12], Motion to Amend/Correct Order on Motion for Miscellaneous Relief [doc. #12], and Motion for Extension of Time to Obtain Relief [doc. #12]. **The Clerk is directed to close this file.**

IT IS SO ORDERED.

/s/ Mark R. Kravitz  
United States District Court

**Dated at New Haven, Connecticut: November 22, 2005.**