

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JASON MAURICE DAY :  
 :  
 v. : Case No. PRISONER 3:06CV155 (AWT) (DFM)  
 :  
 JOHN WARREN, et al. :

RULING AND ORDER

The plaintiff moved to proceed in forma pauperis. Because three of his cases have been dismissed as frivolous, he only may proceed in forma pauperis if he would be in imminent danger of serious physical harm if the case were not permitted to proceed. See 28 U.S.C. § 1915(g). The plaintiff states that he attempted to submit copies of affidavits in support of his claim that he would be in imminent danger of serious physical harm if this case were barred by section 1915(g), but the affidavits were returned to him because they were copies. The plaintiff now asks the court to permit him to file the copies of the affidavits or to order Inmates' Legal Assistance Program to give him the original affidavits.

Because the court already has determined that section 1915(g) should not preclude the plaintiff from proceeding in forma pauperis in this case, there is no need to file affidavits in support of this request. Thus, the request to file copies of

the affidavits is denied.

In addition, the court cannot order Inmates' Legal Assistance Program to provide the original affidavits. The court must have in personam jurisdiction over a person before it can validly enter an order against him. See Doctor's Assocs., Inc. Reinert & Duree, P.C., 191 F.3d 297, 302 (2d Cir. 1999); 11A Charles A. Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure § 2956, at 335 (2d ed. 2001) ("A court ordinarily does not have power to issue an order against a person who is not a party and over whom it has not acquired in personam jurisdiction."). Neither Inmates' Legal Assistance Program nor any attorney employed by that organization is a defendant in this case. Thus, the court cannot order the return of the plaintiff's affidavits.

**SO ORDERED** this 28<sup>th</sup> day of June, 2006, at Hartford, Connecticut.

/s/ Donna F. Martinez  
DONNA F. MARTINEZ  
UNITED STATES MAGISTRATE JUDGE