

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

KEITH RUSSELL JUDD,

Plaintiff,

v.

CASE NO. 11-3104-SAC

STATE OF KANSAS, et al,

Defendants.

O R D E R

This civil action was filed pro se by an inmate of the Texarkana Federal Correctional Institution, Texarkana, Texas. The initial pleading is entitled "Complaint for Declaratory Judgment and Preliminary Injunction: Elections-Voting." Therein, plaintiff asks this court to order his placement on "this State's 2012 Presidential Primary Election Ballot as a Democratic Candidate for President of the United States," and to declare all conflicting state laws unconstitutional. In addition, he seeks declaratory judgment that all convicted felons have a constitutional right to vote in the federal presidential primary election. Plaintiff alleges that he is a declared and registered Democratic candidate for U.S. President. He asserts jurisdiction under 42 U.S.C. § 1983 and the "National Voter Registration Act." Having considered the complaint, and Memorandum in Support (Doc. 3), the court finds as follows.

The court quotes from Judd v. Secretary of State of Alabama, Case No. 2:11-cv-1753-KOB-TMP:

A review of United States District Court records reveals that the plaintiff has filed over 800 actions in federal courts, at least three of which were § 1983 actions that have been dismissed as meritless: Judd v. United States of America, et. al., Southern District of Alabama Case No. 00-CV-328-CB-C ; Judd v. United States District Court for

the Western District of Texas, et. al., District Court for the District of Columbia Case No. 05-CV-780(PLF); Judd v. Barrack Obama, et. al., Eastern District of Texas Case No. 08-CV-0093-ESH. See also, Judd v. Federal Election Com'n, 311 Fed. Appx 730 (5th Cir.2009) (rejecting Judd's application to proceed in forma pauperis because he had three strikes).

Therefore, the plaintiff comes within the provisions of 28 U.S.C. § 1915(g), which preclude him from filing the instant action in forma pauperis unless he is "under imminent danger of serious physical injury.

Id. at \*2.

This court has carefully reviewed the allegations of plaintiff's complaint and Memorandum filed in this court and is satisfied that he has not alleged any facts to show that he is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Accordingly, plaintiff's application to proceed in forma pauperis shall be denied.

**IT IS THEREFORE BY THE COURT ORDERED** that plaintiff's application for leave to proceed without prepayment of fees (Doc. 2) is denied.

**IT IS FURTHER ORDERED** that plaintiff is granted twenty (20) days in which to submit the filing fee in full, or this action will be dismissed without further notice.

**IT IS SO ORDERED.**

Dated this 14<sup>th</sup> day of June, 2011, at Topeka, Kansas.

s/Sam A. Crow  
U. S. Senior District Judge