



LoRusso v. Judd

2023 | Cited 0 times | M.D. Florida | January 3, 2023

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA

TAMPA DIVISION MICHAEL ANTHONY LORUSSO,

Plaintiff, -vs- Case No. 8:22-cv-2954-WFJ-JSS GRADY JUDD, SHERIFF, POLK COUNTY,
FLORIDA,

Defendant. _____/ ORDER

Mr. Lorusso, a Florida prisoner, filed a civil complaint (Doc. 1) in which he contends Sheriff Judd is interfering in a federal investigation of the attack on the United States Capitol on January 6, 2021, by either hiding or deliberately not finding a suspect in the attack, Johnathan Pollock.

The Court construes Mr. Lorusso's failure to pay the filing fee as a request to proceed in forma pauperis under 28 U.S.C. § 1915. Section 1915(g) limits a prisoner's ability to bring a civil action in forma pauperis under certain circumstances:

(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury. Thus, if a prisoner has had three or more cases dismissed for one of the recited reasons,

he cannot proceed in forma pauperis and must pay the filing fee in full when the lawsuit is initiated. *Dupree v. Palmer*, 284 F.3d 1234, 1236 (11th Cir. 2002).

Mr. Lorusso has at least three prior cases that count as "strikes" because they were dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. They include: *LoRusso v. McCabe*, 8:20-cv-1916-TPB-AEP (M.D. Fla.); *LoRusso v. Fayetteville, Ga.*, No. 1:03-cv-5-WLS (M.D. Ga.); *LoRusso v. Upton*, 1:03- cv-132-3-WLS (M.D. Ga.); and *LoRusso v. Dillinger*, No. 8:20-cv-2748-WFJ-AAS (M.D. Fla.). And he has failed to allege facts showing he is under imminent danger of serious physical injury. Therefore, he may not proceed in forma pauperis.

Accordingly, the complaint (Doc. 1) is DISMISSED without prejudice to filing a new complaint, in a



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new case with a new case number, upon the payment of the \$402.00 filing fee. The Clerk must close the case.

ORDERED in Tampa, Florida on January 3, 2023.

Copy to: Michael Lorusso, pro se

