

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7213**

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EMRICH C. KENNY,

Plaintiff - Appellant,

versus

P. A. TERRANGI, Warden; JOHN M. JABE, Warden;  
R. TILLER, Counselor,

Defendants - Appellees.

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**No. 99-7244**

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EMRICH C. KENNY,

Plaintiff - Appellant,

versus

P. A. TERRANGI, Warden; JOHN M. JABE, Warden,  
R. TILLER, Counselor,

Defendants - Appellees.

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Appeals from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, District Judge. (CA-99-453)

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Submitted: March 9, 2000

Decided: March 15, 2000

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Before WILKINS, TRAXLER, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Emrich C. Kenny, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Emrich Kenny, a prisoner who has had three previous cases dismissed as frivolous under the Prison Litigation Reform Act,<sup>1</sup> 28 U.S.C.A. § 1915 (West Supp. 1999), filed two appeals from the district court's order denying his petition to proceed in forma pauperis and dismissing without prejudice his 42 U.S.C.A. § 1983 (West Supp. 1999) action for failure to pay the district court filing fee. Kenny failed to allege any basis upon which to find that he was in imminent danger of serious physical injury as a result of any act or omission of Appellees, so he was not entitled to proceed without prepayment of the filing fee.<sup>2</sup> See 42 U.S.C.A. § 1915(g). Accordingly, we affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

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<sup>1</sup> The cases previously dismissed as frivolous were: Kenny v. Terranqi, No. CA-97-52 (E.D. Va. July 1, 1998); Kenny v. Thompson, No. CA-98-100 (E.D. Va. June 23, 1998); Kenny v. Virginia, No. CA-97-30 (E.D. Va. Sept. 29, 1997).

<sup>2</sup> Kenny paid the filing fee for these appeals.