

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

JOHN ROBERT DEMOS, JR. :  
 :  
v. : C.A. No. 24-0027-WES  
 :  
UNITED STATES OF AMERICA :  
AND DONALD J. TRUMP :

**REPORT AND RECOMMENDATION**

Lincoln D. Almond, United States Magistrate Judge

Petitioner John Robert Demos, Jr. (“Demos”) filed a pro se habeas corpus petition purportedly under 28 U.S.C. § 1651 and 28 U.S.C. § 2254. (ECF No. 1 at p. 1). Plaintiff is incarcerated at the Stafford Creek Correctional Center in Aberdeen, Washington. Plaintiff notes that both the Federal and State Courts in Washington have barred him from filing new cases. (ECF No. 1 at p. 7). Petitioner is a prolific pro se filer who has sought relief in courts nationwide and is subject to the “three strikes” provision of 28 U.S.C. § 1915(g).<sup>1</sup> His Motion to proceed in forma pauperis (“IFP”) has been referred to me. (ECF No. 2). I recommend denial of the Motion and Dismissal of his Petition.

Title 28, U.S.C. § 1915, which governs proceedings IFP, provides that “if the prisoner has, on 3 or more prior occasions, while incarcerated...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” the prisoner may not file another proceeding IFP “unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). The Court

---

<sup>1</sup> See Demos v. U.S. Sec’y of Def., No. CA 12-12398-PBS, 2013 WL 80167, at \*1 (D. Mass. Jan. 3, 2013), aff’d (June 10, 2013); Demos v. John Doe, 118 F. Supp. 2d 172 (D. Conn. 2000); Demos v. Keating, 33 F. App’x 918, 2002 WL 121562 (10<sup>th</sup> Cir. 2002).

has examined the Petition and attachments and finds Petitioner has made no showing of imminent danger of serious physical injury. Accordingly, pursuant to §1915(g) Petitioner may not proceed IFP in this action. Moreover, given that Petitioner is incarcerated in the State of Washington and that he seeks to bring suit against the United States of America and former President Donald J. Trump, Petitioner has alleged no facts that would support venue in the District of Rhode Island. Thus, this Court is also without jurisdiction over the present Petition.

### **Conclusion**

For the reasons stated, I recommend that Plaintiffs' Motion to Proceed In Forma Pauperis (ECF No. 2) be DENIED. Pursuant to 28 U.S.C. § 1915(e)(2)(B), I further recommend that his Petition (ECF No. 1) and this case be DISMISSED.

Any objections to this report and recommendation must be specific and must be served and filed with the Clerk of the Court within fourteen days of service of this report and recommendation. See Fed. R. Civ. P. 72(b); DRI LR Cv 72. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See Brenner v. Williams-Sonoma, Inc., 867 F.3d 294, 297 n.7 (1<sup>st</sup> Cir. 2017); Santos-Santos v. Torres-Centeno, 842 F.3d 163, 168 (1<sup>st</sup> Cir. 2016).

/s/ Lincoln D. Almond  
LINCOLN D. ALMOND  
United States Magistrate Judge  
March 28, 2024