

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13167
Non-Argument Calendar

ALFREDO BLESS,

Plaintiff-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
WARDEN, SOUTH FLORIDA RECEPTION CENTER,
DOCTOR ABEYAA,

Medical Regional Director,
NURSE CALNEL,
MAJOR FROST, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:25-cv-23327-DSL

Before LUCK, LAGOA, and TJOFLAT, Circuit Judges.

PER CURIAM:

Alfredo Bless is incarcerated in the South Florida Reception Center (“SFRC”). Alleging that he is a “devout Yah’s Hebrew/Yah head Hebrew who strictly adheres to the Torah and its Religious Beard keeping laws,” he brought this action pro se under 42 U.S.C. § 1983 for an injunction prohibiting SFRC officials from forcefully shaving his “beard, face and chin bald” in violation of his rights under the First and Eighth Amendments, the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc, et seq., and the Religious Freedom Restoration Act of 1993, 42 U.S.C. § 2000bb, et seq. The District Court denied his motion to proceed in forma pauperis and dismissed his complaint without prejudice under the three strikes provision of the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915(g). Bless appeals the Court’s decision. We affirm.

We review de novo the dismissal of a complaint under § 1915(g). *Mitchell v. Nobles*, 873 F.3d 869, 873 (11th Cir. 2017).

The three-strikes provision of the PLRA bars a prisoner who is not in danger of physical injury and has had three frivolous, malicious, or meritless filings from proceeding in forma pauperis.

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

25-13167

Opinion of the Court

3

relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). The purpose of this three strikes provision is “to curtail abusive prisoner litigation.” *Dupree v. Palmer*, 284 F.3d 1234, 1236 (11th Cir. 2002). If a prison inmate has three strikes, the district court must dismiss his complaint without prejudice unless he meets the “imminent danger” exception.¹ *Id.*

Bless has not appealed the District Court’s finding that Bless did not allege imminent danger. Hence, we deem the point abandoned. The only question facing us, then, is whether he had three or more strikes.

Three specific grounds render a dismissal a strike: “frivolous,” “malicious,” and “fails to state a claim upon which relief may be granted.” Under the negative-implication canon, these three grounds are the only grounds that can render a dismissal a strike. See Antonin Scalia & Bryan A. Garner, *Reading Law* 107–11 (2012). . . . [T]he Act instructs us to consult the *prior* order that dismissed the action or appeal and to identify the *reasons* that the court gave for dismissing it We must interpret the order of dismissal and figure out what the dismissing court actually did.

¹ The inmate can still file suit but must pay the full filing fee when he initiates a suit. *Dupree*, 284 F.3d at 1236.

Daker v. Comm’r, Ga. Dep’t of Corr., 820 F.3d 1278, 1283–84 (11th Cir. 2016) (emphasis in original). “[T]he dismissing court does not need to invoke any magic words or even use the word ‘frivolous,’ . . . , although such language certainly aids our review. But the dismissing court must give some signal in its order that the action or appeal was frivolous.” *Id.* at 1283–84 (internal citations omitted).

The District Court “found Plaintiff to be a three-striker.” It did so based on a three-strike finding a District Judge made in an action Bless prosecuted in the Southern District of Florida in 2024. See *Bless v. Palm Beach Sheriff’s Office, et al.*, No. 9:24-cv-80638-RLR, Order Dismissing Complaint [ECF No. 7], (S.D. Fla. Jul. 29, 2024) (dismissed without prejudice pursuant to the 28 U.S.C. § 1915(g) three-strikes bar). The District Judge in that case explained its reasoning for invoking the three-strike bar:

A review of this Court’s Case Management/Electronic Case Files (“CM/ECF”) database reveals that Plaintiff has filed more than a dozen civil actions while incarcerated, including the following three cases that count as strikes:

1. *Bless v. Shephard*, No. 23-cv-80980-AMC, ECF No. 7, (S.D. Fla. July 27, 2023) (Dismissing case without prejudice for failure to comply with court order).
2. *Bless v. Bradshaw*, No. 23-cv-81554-WPD, ECF No. 6, (S.D. Fla. Dec. 13, 2023) (Dismissing complaint as frivolous and for failure to state a claim).
3. *Bless v. Fla. Dep’t of Corr.*, 23-cv-24594-AMC, ECF No. 18, (S.D. Fla. Apr. 25, 2024) (Dismissing complaint

25-13167

Opinion of the Court

5

without prejudice for failure to prosecute and comply with court order).

Bless v. Palm Beach Sheriff's Office, et al., No. 9:24-cv-80638-RLR, Order Dismissing Complaint [ECF No. 7 at 3] (S.D. Fla. Jul. 29, 2024).

In light of Bless' litigation history as shown in No. 9:24-cv-80638-RLR, we could hardly fault the District Court's action in the instant case.

AFFIRMED.