WEST VIRGINIA CODE: §25-1A-9

§25-1A-9. Limitations on civil actions brought by prisoners in forma pauperis.

(a) Absent an order of a circuit court permitting the filing, an inmate is not permitted to proceed in forma pauperis when bringing a civil action or appealing a judgment in a civil action or proceeding if he or she has, on three or more occasions, while incarcerated or detained in any correctional facility, brought an action or appeal in any court of this state that was dismissed on the grounds it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the inmate is under imminent danger of serious physical injury.

(b) Any civil action asserting an inmate is under imminent danger of serious physical injury shall state with particularity the factual basis of the assertion.

(c) The provisions of subsection (a) of this section do not apply to an inmate seeking a writ of habeas corpus ad subjiciendum relating solely to the propriety of an inmate's custody.

WV Legislature