

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 18 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MELINDA GABRIELLA VALENZUELA,

No. 16-16051

Plaintiff-Appellant,

D.C. No. 2:16-cv-00683-NVW-
MHB

v.

IBRAHIM, Unknown; et al.,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the District of Arizona
Neil V. Wake, District Judge, Presiding

Submitted July 11, 2017**

Before: CANBY, KOZINSKI, and HAWKINS, Circuit Judges.

Arizona state prisoner Melinda Gabriella Valenzuela appeals pro se from the district court's judgment dismissing her 42 U.S.C. § 1983 action following an order denying her application for leave to proceed in forma pauperis ("IFP"). We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

interpretation and application of 28 U.S.C. § 1915(g), *Washington v. L.A. Cty. Sheriff's Dep't*, 833 F.3d 1048, 1054 (9th Cir. 2016), and for an abuse of discretion its denial of leave to proceed IFP, *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). We affirm.

The district court did not abuse its discretion in denying Valenzuela leave to proceed IFP because Valenzuela failed to plausibly allege that she was “under imminent danger of serious physical injury” at the time she lodged the complaint. 28 U.S.C. § 1915(g); *Andrews v. Cervantes*, 493 F.3d 1047, 1054-57 (9th Cir. 2007) (discussing the imminent danger exception to § 1915(g)).

AFFIRMED.