

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 17 2017

FOR THE NINTH CIRCUIT

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

LANCE WILLIAMS,

Plaintiff-Appellant,

v.

STEVEN GARCIA, Parole Officer
Individually and in his Official Capacity; et
al.,

Defendants-Appellees.

No. 16-56854

D.C. No. 2:16-cv-06744-PA-KK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted August 9, 2017**

Before: SCHROEDER, TASHIMA, and M. SMITH, Circuit Judges.

Lance Williams, a California state prisoner, appeals pro se from the district court's order dismissing his 42 U.S.C. § 1983 action for failure to pay the filing fee after denying his application to proceed in forma pauperis ("IFP"). We have

* 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).

jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion.

O’Loughlin v. Doe, 920 F.2d 614, 616 (9th Cir. 1990). We may affirm on any ground supported by the record. *Id.* at 617. We affirm.

The district court properly denied Williams’ motion to proceed IFP because at the time Williams filed the complaint, he had filed three actions that qualified as “strikes,” and he did not plausibly allege that he was “under imminent danger of serious physical injury” at the time he lodged the complaint. *See* 28 U.S.C. § 1915(g); *Coleman v. Tollefson*, 135 S.Ct. 1759, 1763 (2015) (“[P]rior dismissal on a statutorily enumerated ground counts as a strike even if the dismissal is the subject of an appeal.”); *Belanus v. Clark*, 796 F.3d 1021, 1030 (9th Cir. 2015) (dismissal for failure to state a claim because claims were time barred properly counted as a strike); *Andrews v. Cervantes*, 493 F.3d 1047, 1053 (9th Cir. 2007) (discussing the imminent danger exception to § 1915(g)).

AFFIRMED.