

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 16 2019

FOR THE NINTH CIRCUIT

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

TIMOTHY DOYLE YOUNG,

No. 18-35679

Plaintiff-Appellant,

D.C. No. 3:18-cv-01047-MC

v.

MEMORANDUM**

WILLIAM BARR, Attorney General*; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Oregon
Michael J. McShane, District Judge, Presiding

Submitted December 11, 2019***

Before: WALLACE, CANBY, and TASHIMA, Circuit Judges.

Federal prisoner Timothy Doyle Young 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 it concluded that Young was not entitled to proceed in forma pauperis

* William Barr has been substituted for his predecessor, Matthew G. Whitaker, as Attorney General under Fed. R. App. P. 43(c)(2).

** 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).

(“IFP”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo.

Andrews v. Cervantes, 493 F.3d 1047, 1052 (9th Cir. 2007). We affirm.

The district court properly concluded that Young was not entitled to proceed IFP because Young had filed at least three prior actions in federal court that were dismissed for being frivolous or malicious, or for failing to state a claim, and failed to sufficiently allege that he was “under imminent danger of serious physical injury” at the time that he lodged the complaint. 28 U.S.C. § 1915(g); *see also Andrews*, 493 F.3d at 1057 n.11 (courts may reject conclusory allegations of imminent danger, and “normal preclusion principles will prevent a prisoner from avoiding the three-strike rule based on allegations rejected in an earlier case”); *Young v. Mellady*, No. 5:15-CV-14151, 2016 WL 4596355, at *1 (S.D. W. Va. Sept. 2, 2016) (“A federal court in Colorado has previously warned the Plaintiff ‘to refrain from filing repetitious litigation with this Court or any other federal district court regarding issues where venue properly lies in this Court.’” (citing *Young v. BOP*, No. CIVA 08CV-00182-BNB, 2008 WL 582176, at *2 (D. Colo. Mar. 3, 2008))).

Young’s pending motions are denied.

AFFIRMED.