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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MELINDA GABRIELLA  
VALENZUELA, FKA Enrique Mendez,

Plaintiff - Appellant,

v.

COUNTY OF MARICOPA; et al.,

Defendants - Appellees.

No. 14-17115

D.C. No. 2:14-cv-01153-NVW-  
MHB

MEMORANDUM\*

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

Submitted November 18, 2015\*\*

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

Melinda Gabriella Valenzuela, an Arizona state prisoner, appeals pro se from the district court's judgment dismissing her 42 U.S.C. § 1983 action alleging Eighth Amendment violations in connection with her medical care. We have

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 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 de novo the district court's interpretation and application of 28 U.S.C. § 1915(g). *Andrews v. Cervantes*, 493 F.3d 1047, 1052 (9th Cir. 2007). We affirm.

Dismissal of Valenzuela's action was proper because at least three of Valenzuela's prior § 1983 actions were dismissed as frivolous or for failure to state a claim, and Valenzuela did not 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*, 493 F.3d at 1055 (an exception to the three-strikes rules exists only where "the complaint makes a plausible allegation that the prisoner faced 'imminent danger of serious physical injury' at the time of filing").

Valenzuela's request for an order stating that documents must be mailed to the court, filed on April 24, 2015, is denied.

**AFFIRMED.**