

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 3 2018

FOR THE NINTH CIRCUIT

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

MONICO J. QUIROGA III,

Plaintiff-Appellant,

v.

DONNY YOUNGBLOOD; KERN
COUNTY SHERIFF'S ENTITY,

Defendants-Appellees.

No. 17-17064

D.C. No. 1:17-cv-00859-DAD-
SKO

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted November 27, 2018**

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

California state prisoner Monico J. Quiroga III appeals pro se from the district court's order denying Quiroga in forma pauperis ("IFP") status in his 42 U.S.C. § 1983 action because he had accrued three strikes under 28 U.S.C. § 1915(g). We have jurisdiction under 28 U.S.C. § 1291. We review de novo.

* 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).

Washington v. L.A. Cty. Sheriff's Dep't, 833 F.3d 1048, 1054 (9th Cir. 2016). We may affirm on any basis supported by the record, *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008), and we affirm.

Denial of Quiroga's request to proceed IFP was proper because the complaint is obviously frivolous. *See* 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious); *Franklin v. Murphy*, 745 F.2d 1221, 1227 n.6 (9th Cir. 1984) (a complaint "that is obviously frivolous does not confer federal subject matter jurisdiction, and may be dismissed sua sponte before service of process" (citation and internal quotation marks omitted)).

AFFIRMED.