

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 26 2020

FOR THE NINTH CIRCUIT

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

VICTOR MANUEL TAGLE, AKA Victor  
Tagle, AKA Victor Manuel Tagle-Moreno,

Plaintiff-Appellant,

v.

CORRECTIONS CORPORATION OF  
AMERICA; et al.,

Defendants-Appellees.

No. 19-16287

D.C. No. 2:19-cv-04324-DLR-  
MHB

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Douglas L. Rayes, District Judge, Presiding

Submitted February 25, 2020\*\*  
San Francisco, California

Before: CANBY, GOULD, and WATFORD, Circuit Judges.

Arizona state prisoner Victor Manuel Tagle appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to pay the filing fee after denying Tagle's motion to proceed in forma pauperis ("IFP"). We

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\* 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).

have 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), and we affirm.

The district court properly denied Tagle's motion to proceed IFP because Tagle 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 plausibly allege that he was "under imminent danger of serious physical injury" at the time that he lodged the complaint. *See* 28 U.S.C. § 1915(g); *Andrews*, 493 F.3d at 1055 (an exception to the three-strikes rule exists only where "the complaint makes a plausible allegation that the prisoner faced 'imminent danger of serious physical injury' at the time of filing").

**AFFIRMED.**