

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 30 2024

FOR THE NINTH CIRCUIT

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

LANCE ELLIOT WILLIAMS,

No. 23-15751

Plaintiff-Appellant,

D.C. No. 2:22-cv-00513-DJC-AC

v.

MEMORANDUM\*

D. LACROIX, Correctional Officer,

Defendant-Appellee.

Appeal from the United States District Court  
for the Eastern District of California  
Daniel J. Calabretta, District Judge, Presiding

Submitted April 22, 2024\*\*

Before: CALLAHAN, LEE, and FORREST, Circuit Judges.

Lance Elliot Williams, a former California state prisoner, appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action after denying Williams’s motion to proceed in forma pauperis (“IFP”). We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court’s

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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).

interpretation and application of 28 U.S.C. § 1915(g). *Washington v. L.A. County Sheriff's Dep't*, 833 F.3d 1048, 1054 (9th Cir. 2016). We affirm.

The district court properly denied Williams's motion to proceed IFP because Williams does not challenge that he had filed at least three prior actions that were dismissed as frivolous, malicious, or for failure to state a claim, and he failed to 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); *Andrews v. Cervantes*, 493 F.3d 1047, 1052-53, 1055-56 (9th Cir. 2007) (discussing the imminent danger exception to § 1915(g)).

We do not consider arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

**AFFIRMED.**