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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE WEAVER,

Plaintiff,

CV F 06 1209 AWI WMW P

vs.

ORDER TO SHOW CAUSE

CCI SECOND WATCH, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se in a civil rights action challenging the conditions of his confinement.

Plaintiff, an inmate in the custody of the California Department of Corrections at CCI Tehachapi, sets forth vague allegations of conduct by Correctional Officials at Tehachapi. Plaintiff alleges that correctional staff is observing plaintiff's mind with the use of a "mind device" and cameras.

The Prison Litigation Reform Act provides that "[i]n no event shall a prisoner bring a civil action . . . under this section if the prisoner has, on 3 or more occasions, while incarcerated or detained in a facility, brought an action or appeal in a court of the United States that was dismissed on the ground that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious injury." 28 U.S.C. § 1915(g).

1 This plaintiff has, on 3 prior occasions, brought civil actions challenging the
2 conditions of his confinement. All three action were dismissed as frivolous, or for failure to state
3 a claim upon which relief can be granted. Weaver v. Pelican Bay State Prison, No. C 04-3077
4 JW (PR) (N.D. Cal May 18, 2005); Weaver v. Nimrod, No. C 04-3154 JW (PR) (N.D. Cal. Dec.
5 14, 2004); Weaver v. Daniel, No. C 05-1373 JW (PR) (N.D. Cal. May 9, 2005); Weaver v.
6 Pelican Bay State Prison Mail Room, No. C 04-4784 JW (PR) (N.D. Cal. Jan. 5, 2005); Weaver
7 v. Montiero, et al., No. 05-0166 RSWL (FMO) (C.D. Cal. Nov. 21, 2005). Plaintiff is therefore
8 not entitled to proceed in forma pauperis unless he alleges facts indicating that he is in imminent
9 danger of serious physical injury. There are no such facts alleged in this case.

10 Accordingly, IT IS HEREBY ORDERED that plaintiff is directed to show cause,
11 within thirty days of the date of service of this order, why his request to proceed in forma
12 pauperis should not be denied. Failure to file a response will result in an order directing
13 Plaintiff to submit the \$350 filing fee in full.

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17 IT IS SO ORDERED.

18 **Dated: September 11, 2006**
mmkd34

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE