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

JASON SAUNDERS,

Plaintiff,

vs.

CV F 06 1567 AWI WMW P

_____ FINDING AND RECOMMENDATION

MATTHEW CATE, 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 CSP Corcoran, brings this action pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 12132 against defendant correctional officials employed by the California Department of Corrections. This action proceeds on the December 7, 2006, amended complaint. The amended complaint sets forth allegations of conduct on behalf of correctional officials employed at Pleasant Valley State Prison. Plaintiff is an inmate in the custody of the California Department of Corrections at CSP Corcoran. Plaintiff sets forth various state law and federal claims against individuals for conduct that occurred at Pleasant Valley State Prison in 2005 and 2006.

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

1 or detained in a facility, brought an action or appeal in a court of the United States that was
2 dismissed on the ground that it is frivolous, malicious, or fails to state a claim upon which relief
3 may be granted, unless the prisoner is under imminent danger of serious injury.” 28 U.S.C. §
4 1915(g).

5 This plaintiff has, on 3 prior occasions, brought civil actions challenging the conditions of
6 his confinement. All three action were dismissed as frivolous, or for failure to state a claim upon
7 which relief can be granted. Saunders v. Block, 96-CV-8159 (WMB) (Central District of
8 California); Saunders v. Wineski, CV S 94 1321 DFL JFM P; Saunders v Gomez CV S 94 1469
9 EJG GGH P. Plaintiff is therefore not entitled to proceed in forma pauperis unless he alleges
10 facts indicating that he is in imminent danger of serious physical injury. There are no such facts
11 alleged in this case.

12 Accordingly, the court ordered Plaintiff to show cause why his request to proceed in
13 forma pauperis should not be denied pursuant to 28 U.S.C. § 1915(g). On March 14, 2007,
14 Plaintiff filed a response to the order to show cause. In his response, Plaintiff indicates that he is
15 unable to obtain copies of the documents referred to in the order to show cause. Plaintiff
16 contends that the cases referred to by the court were dismissed for failure to keep his address
17 current, and not on the merits. The three cases referred to in the order to show cause were also
18 the basis for a denial of in forma pauperis status pursuant to 28 U.S.C. § 1915(g) in case number
19 CV F 03 5735 REC HGB P. Judgment in that case was entered on October 22, 2004. The court
20 may take judicial notice of court records in another case. Fed.R.Evid. 201; see United States v.
21 Wilson, 631 F.2d 118, 119 (9th Cir.1980) (stating that a court may take judicial notice of court
22 records in another case).

23 Accordingly, IT IS HEREBY RECOMMENDED that Plaintiff’s application to proceed in
24 forma pauperis be denied pursuant to 28 U.S.C. § 1915(g), and Plaintiff be directed to submit the
25 filing in full.
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