

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

WILLIAM LANGSTON MEADOR,

CASE NO. 1:07-cv-00365-SMS PC

Plaintiff,

APPEAL NO. 10-16862

v.

CALIFORNIA CORRECTIONAL  
INSTITUTION, et al.,**NOTICE AND ORDER FINDING THAT  
PLAINTIFF IS NOT ENTITLED TO  
PROCEED IN FORMA PAUPERIS ON  
THE APPEAL FILED AUGUST 23, 2010**

Defendants.

**ORDER DIRECTING CLERK'S OFFICE  
TO SERVE COPY OF ORDER ON NINTH  
CIRCUIT**

Plaintiff William Langston Meador is a prisoner who was proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On August 3, 2010, the Court dismissed this action, with prejudice, based on Plaintiff's failure to state a claim upon which relief may be granted and judgment was entered. (Docs. 21, 22.) Plaintiff filed a notice of appeal on August 23, 2010. (Doc. 23.)

Pursuant to the Federal Rules of Appellate Procedure,

A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless:  
(A) the district court - before or after the notice of appeal is filed - certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding;  
or  
(B) a statute provides otherwise.

Fed. R. App. P. 24(a)(3).

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1 The district clerk must immediately notify the parties and the court of appeals when  
2 the district court does any of the following:

3 (A) denies a motion to proceed on appeal in forma pauperis;

4 (B) certifies that the appeal is not taken in good faith; or

5 (C) finds that the party is not otherwise entitled to proceed in forma pauperis.

6 Fed. R. App. P. 24(a)(4).

7 Because Plaintiff was proceeding in forma pauperis in this action in the district court,  
8 Plaintiff is entitled to proceed in forma pauperis on appeal unless the Court makes a finding to the  
9 contrary. For the reason that follows, the Court finds that Plaintiff is not entitled to proceed in forma  
10 pauperis on his appeal filed August 23, 2010.

11 28 U.S.C. § 1915 governs proceedings in forma pauperis. Section 1915(g) provides that “[i]n  
12 no event shall a prisoner bring a civil action . . . under this section if the prisoner has, on 3 or more  
13 prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court  
14 of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state  
15 a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious  
16 physical injury.” Plaintiff became subject to section 1915(g) on August 5, 2008, when his third  
17 action was dismissed for failure to state a claim upon which relief may be granted.<sup>1</sup> Because Plaintiff  
18 is subject to section 1915(g) and does not meet the imminent danger exception, Plaintiff is not  
19 entitled to proceed in forma pauperis on appeal. Fed. R. App. P. 24(a)(4)(C).

20 Based on the foregoing, it is HEREBY ORDERED that:

21 1. Pursuant to 28 U.S.C. § 1915(g), Plaintiff is not entitled to proceed in forma pauperis  
22 on the appeal filed on August 23, 2010;

23 2. Pursuant to Federal Rule of Appellate Procedure 24(a)(4)(C), this order serves as  
24 notice to the parties and the United States Court of Appeals for the Ninth Circuit of  
25 the finding that Plaintiff is not entitled to proceed in forma pauperis for this appeal;  
26 and

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27 <sup>1</sup> The Court takes judicial notice of the following cases: 1:05-cv-00939-OWW-DLB PC Meador v. Pleasant  
28 Valley State Prison, et al. (dismissed 07/12/2007 for failure to state a claim); 1:07-cv-00952-LJO-DLB PC Meador  
v. C.C.I. Tehachapi, et al. (dismissed 06/30/2008 for failure to state a claim); 1:06-cv-01572-AWI-DLB PC Meador  
v. Corcoran State Prison, et al. (dismissed 08/05/2008 for failure to state a claim); and 1:06-cv-00926-LJO-GSA PC  
Meador v. Pleasant Valley State Prison, et al. (dismissed 05/26/2009 for failure to state a claim).

1           3.       The Clerk of the Court shall serve a copy of this order on Plaintiff and the United  
2                   States Court of Appeals for the Ninth Circuit.

3  
4 IT IS SO ORDERED.

5 **Dated: August 25, 2010**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE