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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTONIO LUIS WILLIAMS,

Plaintiff,

v.

W. J. SULLIVAN, et al.,

Defendants.

CASE NO. 1:07-cv-00910-LJO-NEW (DLB) PC

ORDER FINDING PLAINTIFF INELIGIBLE TO PROCEED IN FORMA PAUPERIS IN THIS ACTION, AND REQUIRING PLAINTIFF TO PAY \$350.00 FILING FEE IN FULL WITHIN THIRTY DAYS OR THIS ACTION WILL BE DISMISSED

Plaintiff Antonio Luis Williams (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on June 25, 2007.

28 U.S.C. § 1915 governs proceedings in forma pauperis. Section 1915(g) provides that “[i]n no event shall a prisoner bring a civil action . . . under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds 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 physical injury.” Plaintiff has had three or more actions dismissed as frivolous, as malicious, or for failing to state a claim upon which relief may be granted.¹ Thus, plaintiff is subject to 28 U.S.C. § 1915(g) and is precluded from proceeding in forma pauperis unless plaintiff is, at the time the complaint is filed, under imminent danger of serious physical injury.

¹ The Court takes judicial notice of 4:04-cv-00782-CW Williams v. McGrath, et al (N.D. Cal.) (dismissed for failure to state a claim on 06/25/2004), 4:04-cv-02543-CW Williams v. Hagar, et al. (N.D. Cal.) (dismissed for failure to state a claim on 11/10/2004), and 1:06-cv-01097-OWW-DLB Williams v. Wunderlich, et al. (E.D. Cal.) (dismissed for failure to state a claim on 10/05/2006).

1 Although plaintiff asserts that he is in imminent danger of harm due to a murder conspiracy,
2 a review of plaintiff's complaint reveals that the basis for his claims in this action is alleged mail
3 tampering. (Doc. 1, Comp., pgs. 3-5.) In the attached exhibits, plaintiff also references the alleged
4 injection of a diseased agent into his body, and an injury to his arm. (Id., pgs. 5-7.) However, those
5 events occurred in 2005 and are the basis for his grand jury complaints, which relate to the mail
6 tampering allegation at issue in his complaint. Because plaintiff has alleged no facts that support a
7 finding that he is, at this time, under imminent danger of serious physical injury, plaintiff may not
8 proceed in forma pauperis in this action, and must submit the appropriate filing fee in order to
9 proceed with this action.

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

- 11 1. Pursuant to 28 U.S.C. § 1915(g), plaintiff is ineligible to proceed in forma pauperis
12 in this action;
- 13 2. Plaintiff shall submit the \$350.00 filing fee in full within **thirty (30) days**; and
- 14 3. If plaintiff fails to pay the \$350.00 filing fee in full within thirty days, this action will
15 be dismissed, without prejudice.

16
17 IT IS SO ORDERED.

18 **Dated: July 2, 2007**

19 /s/ Lawrence J. O'Neill
20 UNITED STATES DISTRICT JUDGE
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