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

TONY BLACKMAN,

Plaintiff,

CV F 07 0946 AWI WMW P

vs.

ORDER TO SHOW CAUSE

JUDGE VAN SICKLEN, 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 Salinas Valley State Prison, brings this action pursuant to 42 U.S.C. § 1983 against a Los Angeles Superior Court Judge, court officials and correctional officials employed by the California Department of Corrections. Plaintiff’s complaint sets forth claims regarding his attempts at challenging his underlying criminal conviction.

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

1 U.S.C. § 1915(g).

2 This plaintiff has, on 3 prior occasions, brought civil actions challenging the  
3 conditions of his confinement. All three action were dismissed as frivolous, or for failure to state  
4 a claim upon which relief can be granted. Blackman v. Harwell, et al., 99-5822 REC HGB P (E.  
5 Dist. Cal.); Blackman v. Medina, 05-CV-05390-SI (N. Dist. Cal.); Blackman v. Variz , 06-CV  
6 06398 SI (N. Dist. Cal.). Plaintiff is therefore not entitled to proceed in forma pauperis unless  
7 he alleges facts indicating that he is in imminent danger of serious physical injury. There are no  
8 such facts alleged in this case. The allegations in this action related to Plaintiff's ability to  
9 litigate in the Superior Court of Los Angeles.

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 a recommendation that  
13 Plaintiff's application to proceed in forma pauperis be denied pursuant to 28 U.S.C. § 1915(g).

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17 IT IS SO ORDERED.

18 **Dated: July 9, 2007**

**/s/ William M. Wunderlich**  
**UNITED STATES MAGISTRATE JUDGE**