

1 1915(g).

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

9 Accordingly, Plaintiff was ordered to show cause why his request to proceed in forma
10 pauperis should not be denied. Plaintiff failed to do so and on January 19, 2010, [findings and](#)
11 [recommendations](#) were entered, recommending that Plaintiff's application to proceed in forma
12 pauperis be denied and that Plaintiff be directed to submit the \$350 filing fee in full. Plaintiff has
13 not filed objections to the findings and recommendations.

14 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, this
15 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
16 court finds the findings and recommendations to be supported by the record and proper analysis.

17 Accordingly, THE COURT HEREBY ORDERS that:

18 1. The Findings and Recommendations issued by the Magistrate Judge on January 19,
19 2010, are adopted in full; and

20 2. Plaintiff's application to proceed in forma pauperis is denied pursuant o 28 U.S.C. §
21 1915(g).

22 3. Plaintiff is directed to submit the \$350 filing in full within thirty days of the date of
23 service of this order. Plaintiff's failure to do so will result in dismissal of this action pursuant to
24 Local Rule 110 for failure to prosecute.

25 IT IS SO ORDERED.

26 **Dated:** April 5, 2010

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE