

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

LAFAYETTE CADE,

Plaintiff,

vs.

1:08 cv 00183 AWI YNP GSA (PC)

ORDER TO SHOW CAUSE

STATE OF CALIFORNIA, et al.,

Defendants.

Plaintiff, a former state prisoner proceeding pro se. While incarcerated, Plaintiff filed a federal civil action seeking relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff, formerly inmate in the custody of the California Department of Corrections and Rehabilitation at Kern Valley State Prison, brings this civil rights action correctional officials employed by the CDCR at Corcoran State Prison.

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.”

This plaintiff has, on 3 prior occasions, brought civil actions challenging the conditions of

1 his confinement. All three action were dismissed as frivolous, or for failure to state a claim  
2 upon which relief can be granted. Among the dismissals suffered by plaintiff that count as  
3 strikes under 1915(g) are: Cade v. Hubbard, 1:05 cv 00834 AWI LJO (PC); Cade v. Yates, 1:04  
4 cv 06979 OWW LJO (PC); Cade v Woodford, 1:06 cv 00060 OWW SMS (PC).

5 In his complaint, Plaintiff alleges that the he had been denied adequate access to the law  
6 library. Plaintiff fails to allege any facts indicating that he was in imminent danger of serious  
7 injury.

8 Accordingly, IT IS ORDERED that Plaintiff show cause, within thirty days, why he  
9 should not be denied leave to proceed in forma pauperis and directed to pay the filing fee in full.

10  
11 IT IS SO ORDERED.

12 Dated: August 17, 2009

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE