

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

RONNIE O. BROWN,

Plaintiff,

vs.

1:08 CV 01252 OWW YNP SMS (PC)

ORDER TO SHOW CAUSE

SUSAN HUBBARD, et al.,

Defendants.

Plaintiff is a former state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. Plaintiff was incarcerated at the time this action was filed. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c)(1).

Plaintiff, formerly in the custody of the California Department of Corrections and Rehabilitation (CDCR) at North Kern State Prison, brings this civil rights action challenging the conditions of his confinement.

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 U.S.C. § 1915(g).

1 This plaintiff has, on 3 prior occasions, brought civil actions challenging the conditions of
2 his confinement. All three action were dismissed as frivolous, or for failure to state a claim
3 upon which relief can be granted. Among the dismissals suffered by plaintiff that count as
4 strikes under 1915(g) are: Brown v. Schwarzenegger, No 2:05 CV 00955 MCE DAD P; Grown
5 v. Foat, No. 2:07 CV 00245 FCD KJM P; C 95-0673 VRW (N.D. Cal. June 28, 1995); Brown v.
6 Adult Parole Operations, No. 5:08 CV 00011 (JWJ), Central District of California. Plaintiff is
7 therefore not entitled to proceed in forma pauperis unless he alleges facts indicating imminent
8 danger of serious injury.

9 Plaintiff alleges that he was denied a request for housing accommodations due to his
10 physical disability (visual impairment). Plaintiff has not, however, alleged any facts indicating
11 that he is in imminent danger in serious injury. Plaintiff's in forma pauperis status should
12 therefore be rvoled.

13 Accordingly, IT IS ORDERED that Plaintiff show cause, within thirty days, why his in
14 forma pauperis status should not be revoked, and Plaintiff be directed to submit the \$350 filing
15 fee in full.

16 IT IS SO ORDERED.

17 **Dated:** October 28, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE