

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

JOSEPH DANNY PROPHET,

Plaintiff, 1:09 CV 01066 OWW YNP SMS (PC)

vs. ORDER TO SHOW CAUSE

KEN CLAR, et al.,

Defendant.

Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks 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. § 1915(b)(1). Plaintiff has submitted request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

Plaintiff, an inmate in the custody of the California Department of Corrections and Rehabilitation at CSP Corcoran, brings this civil rights action against defendant correctional officials employed by the CDCR at CSP Corcoran. Plaintiff claims that he is being denied adequate access to the law library.

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 his confinement. All three action were dismissed as frivolous, or for failure to state a claim upon which relief can be granted. Prophet v. Dunham, et al., 1:07 cv 01372 OWW DLB (PC); Prophet v. Clark, et al., 1:08 CV 01748 SMS (PC); Prophet v. CDCR, et al., 2:06 CV 02822 FCD EFB (PC). Plaintiff is therefore not entitled to proceed in forma pauperis unless he alleges facts indicating that he is in imminent danger of serious physical injury. Plaintiff alleges no such facts in this case.

Accordingly, IT IS ORDERED that Plaintiff show cause, within thirty days, why his in forma pauperis status should not be revoked and Plaintiff be directed to pay the filing fee in full.

IT IS SO ORDERED.

**Dated: December 14, 2009**

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE