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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JAMES E. SMITH,

Plaintiff,

v.

JONES, et al.,

Defendants.

CASE NO. 1:09-cv-01553-OWW-DLB PC

ORDER DENYING MOTION FOR  
RECONSIDERATION AND INJUNCTIVE  
RELIEF

(Doc. 5)

Plaintiff James E. Smith (“Plaintiff”), also known as Tahee Abd Rasheed, is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Plaintiff was proceeding pro se in a civil rights action. On March 10, 2010, this action was dismissed without prejudice for Plaintiff’s failure to pay the \$350.00 filing fee. (Doc. 3, Order Dismissing Action.) Plaintiff accrued more than three actions dismissed as strikes pursuant to 28 U.S.C. § 1915(g), and did not qualify for any exceptions to proceed in forma pauperis. (*Id.*)

Pending before the Court is Plaintiff’s motion for preliminary injunctive relief and reconsideration, filed March 31, 2010. (Doc. 5.) Plaintiff asserts that he should be permitted to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff contends that this is based on the threat of serious physical injuries. (*Id.*) However, Plaintiff provides no facts, exhibits, or any evidence in support of this bare assertion. Plaintiff also presented no facts in his complaint to support a finding of imminent danger of serious physical injury. Accordingly, it is HEREBY ORDERED that Plaintiff’s motion for injunctive relief, filed March 31, 2010, is DENIED. IT IS SO ORDERED.

**Dated:** April 2, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE