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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LONNIE WILLIAMS,

1:09-cv-01882-LJO-GSA-PC

Plaintiff,

ORDER FINDING PLAINTIFF INELIGIBLE TO PROCEED IN FORMA PAUPERIS IN THIS ACTION, AND REQUIRING PLAINTIFF TO PAY \$350.00 FILING FEE IN FULL WITHIN THIRTY DAYS OR THIS ACTION WILL BE DISMISSED

vs.

P. RODRIGUEZ, et al.,

Defendants.

Plaintiff Lonnie Williams (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on October 27, 2009.

Section 1915 of Title 28 of the United States Code governs proceedings in forma pauperis. Section 1915(g) provides that “[i]n no event shall a prisoner bring a civil action . . . under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds 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 physical injury.” Plaintiff has had three or more actions dismissed as frivolous, as malicious, or for failing to state a claim upon which relief may be granted.¹ Thus, plaintiff is subject to 28 U.S.C. § 1915(g) and is precluded from proceeding in forma pauperis unless plaintiff is, at the time the complaint is filed, under imminent danger of serious physical

¹ The court takes judicial notice of Lonnie C. Williams v. J. R. Andrews, 1:01-cv-06222-REC-HGB PC (dismissed for failure to state a claim on 2/22/02); Lonnie C. Williams v. Correctional Lt. L. L. Wood, 1:01-cv-06151-REC-LJO PC (dismissed for failure to state a claim on 2/28/02); and Lonnie C. Williams v. A. Rendon 1:01-cv-05891-AWI-SMS PC (dismissed for failure to state a claim on 3/18/02).

1 injury.

2 Plaintiff has alleged no facts in this action that support a finding that he is, at this time, under
3 imminent danger of serious physical injury. Therefore, plaintiff may not proceed in forma pauperis
4 in this action, and must submit the appropriate filing fee in order to proceed with this action.

5 Based on the foregoing, it is HEREBY ORDERED that:

- 6 1. Pursuant to 28 U.S.C. § 1915(g), plaintiff has three strikes and is ineligible to
7 proceed in forma pauperis in this action;
- 8 2. Plaintiff shall submit the \$350.00 filing fee in full within **thirty (30) days**; and
- 9 3. If plaintiff fails to pay the \$350.00 filing fee in full within thirty days, this action will
10 be dismissed, without prejudice.

11 IT IS SO ORDERED.

12 **Dated: March 10, 2010**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE