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

TONY BLACKMAN,  
Plaintiff,  
vs.

1:10 CV 00380 AWI YNP SMS (PC)  
ORDER TO SHOW CAUSE

KELLY HARRINGTON, et al.,  
Defendants.

Plaintiff is a state prisoner proceeding pro se in a civil rights action challenging the conditions of his confinement.

Plaintiff, an inmate in the custody of the California Department of Corrections and Rehabilitation (CDCR) at Kern Valley State Prison, brings this action pursuant to 42 U.S.C. § 1983 against correctional officials employed by the CDCR at Kern Valley State Prison. Plaintiff’s complaint sets forth vague allegations regarding Plaintiff’s attempts to participate in the inmate appeals process. Plaintiff also refers generally to his medical and psychiatric treatment.

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

1 may be granted, unless the prisoner is under imminent danger of serious injury.” 28 U.S.C. §  
2 1915(g).

3 This plaintiff has, on 3 prior occasions, brought civil actions challenging the conditions of  
4 his confinement. All three action were dismissed as frivolous, or for failure to state a claim upon  
5 which relief can be granted. Blackman v. Harwell, et al., 99-5822 REC HGB P (E. Dist. Cal.);  
6 Blackman v. Medina, 05-CV-05390-SI (N. Dist. Cal.); Blackman v. Variz , 06-CV 06398 SI (N.  
7 Dist. Cal.). Plaintiff is therefore not entitled to proceed in forma pauperis unless he alleges  
8 facts indicating that he is in imminent danger of serious physical injury. There are no such facts  
9 alleged in this case.

10 Accordingly, IT IS HEREBY ORDERED that plaintiff is directed to show cause, within  
11 thirty days of the date of service of this order, why his request to proceed in forma pauperis  
12 should not be denied. Failure to file a response will result in a recommendation that Plaintiff’s  
13 application to proceed in forma pauperis be denied pursuant to 28 U.S.C. § 1915(g).

14  
15 IT IS SO ORDERED.

16 **Dated:** March 11, 2010

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE