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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENNETH D. DAWSON,
Plaintiff,

v.

ARNOLD SWARZNEGGER, et al.,
Defendants.

CASE NO. 1:10-cv-561-OWW-MJS (PC)

ORDER DENYING PLAINTIFF IN FORMA
PAUPERIS STATUS

AND

REQUIRING HIM TO PAY \$350.00 FILING
FEE IN FULL BY OCTOBER 13, 2010

_____/

Plaintiff Kenneth Dawson (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. 28 U.S.C. § 1915 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.” A review of the actions filed by Plaintiff reveals that Plaintiff is subject to § 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 injury.¹

¹ The Court takes judicial notice of the following cases filed by Plaintiff: Dawson v. Terhune, 2:01-cv-1490-FCD-GGH (E.D. Cal.) (Dismissed on January 9, 2003 for failure to state a claim); Dawson v. United States, 2:04-cv-1793-GEB-PAN (E.D. Cal.) (Dismissed on January 12, 2006 for failure to state a claim); Dawson v. Obama, 2:08-cv-2754-FCD-GGH (E.D. Cal.) (Dismissed on March 2, 2009 as frivolous); Dawson v. Schwartzenegger, 1:09-cv-1034-SMS (E.D. Cal.) (Dismissed on December 22, 2009 for failure to state a claim).

1 The Court has reviewed Plaintiff's complaint and finds that Plaintiff does not meet the
2 imminent danger exception.² Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007). Because
3 Plaintiff has alleged no facts that would support a finding that he is under imminent danger of serious
4 physical injury, Plaintiff is ineligible to proceed in forma pauperis in this action, and must submit
5 the appropriate filing fee in order to proceed.

6 Based on the foregoing, it is HEREBY ORDERED that Plaintiff shall pay the \$350.00 filing
7 fee in full by October 13, 2010 or this action will be dismissed.

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9 IT IS SO ORDERED.

10 Dated: September 10, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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² Plaintiff's allegations concern his cooperation with authorities in setting up drug transactions and do not allege that he is in imminent danger of serious physical harm.