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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TONY BLACKMAN,

Plaintiff,

v.

B. HEDRICK, et al.,

Defendants.

CASE NO. 1:10-cv-00805-AWI-DLB (PC)

ORDER DENYING MOTION TO PROCEED
IN FORMA PAUPERIS

(Doc. 2)

\$350.00 FILING FEE DUE WITHIN
TWENTY DAYS

_____ /

Plaintiff Tony Blackman (“Plaintiff”) is a California state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On February 16, 2010, Plaintiff filed a motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (Doc. 2.)

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 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.” 28 U.S.C. § 1915(g).

Court records reveal that pursuant to 28 U.S.C. § 1915(g), Plaintiff is ineligible to proceed in forma pauperis and is required to submit the filing fee in full in order to proceed with this action. The Court takes judicial notice of the following cases that qualify as strikes pursuant to 28 U.S.C. § 1915(g): *Blackman v. Hartwell, et al.*, Case No. 1:99-cv-05822-REC-HGB PC (E.D. Cal.) (dismissed March 12, 2001 for failure to state a claim); *Blackman v. Medina*, Case

1 No. 3:05-cv-05390-SI (N. D. Cal.) (dismissed March 13, 2006 for failure to state a claim);
2 *Blackman v. Variz*, Case No. 3:06-cv-06398-SI (N. D. Cal.) (dismissed December 18, 2006 for
3 failure to state a claim); *Blackman v. Taxdahl*, Case No. 1:04-cv-06389-AWI-NEW (DLB) PC
4 (E. D. Cal.) (dismissed May 18, 2007 for failure to state a claim); *Blackman v. Evans, et al.*, Case
5 No. 1:06-cv-00081-GSA (E. D. Cal.) (dismissed February 3, 2009 for failure to state a claim).

6 Plaintiff's complaint alleges that he was denied due process when prison officials failed
7 to review his inmate grievances. Plaintiff is not under imminent danger of serious physical
8 injury, and is required to pay the \$350.00 filing fee before proceeding in this action.

9 Accordingly, it is HEREBY ORDERED that Plaintiff's motion to proceed in forma
10 pauperis is DENIED. Plaintiff is ordered to pay the \$350.00 filing fee in full within **twenty (20)**
11 **days** from the date of service of this order. Failure to pay the filing fee will result in dismissal of
12 this action.

13
14 IT IS SO ORDERED.

15 **Dated: May 20, 2010**

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE