

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

ERIC JOHNSON,	1:10-cv-01087-LJO-GSA-PC
Plaintiff,	ORDER REVOKING PLAINTIFF'S IN FORMA PAUPERIS STATUS PURSUANT TO 28 U.S.C. § 1915(g)
v.	ORDER VACATING ORDER GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS (Doc. 7.)
RAUL LOPEZ, et al.,	ORDER VACATING ORDER DIRECTING CDCR TO COLLECT FILING FEE PAYMENTS FOR THIS ACTION (Doc. 7.)
Defendants.	ORDER DISMISSED ACTION, WITHOUT PREJUDICE TO REFILE WITH SUBMISSION OF \$350.00 FILING FEE IN FULL
	ORDER FOR CLERK TO CLOSE CASE

Plaintiff Eric Johnson, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 16, 2010. (Doc. 1.) On July 6, 2010, Plaintiff submitted an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (Doc. 6.) On July 9, 2010, the Court granted Plaintiff's application. (Doc. 7.)

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

1 facility, brought an action or appeal in a court of the United States that was dismissed on the grounds  
2 that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the  
3 prisoner is under imminent danger of serious physical injury.” Plaintiff is subject to section 1915(g)  
4 and is precluded from proceeding in forma pauperis unless he is, at the time the complaint is filed,  
5 under imminent danger of serious physical injury.<sup>1</sup>

6 The Court has reviewed Plaintiff’s complaint and finds that Plaintiff does not meet the  
7 imminent danger exception.<sup>2</sup> Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007). Because  
8 Plaintiff alleges no facts supporting a finding that he is under imminent danger of serious physical  
9 injury, Plaintiff is ineligible to proceed in forma pauperis in this action.

10 Accordingly, it is HEREBY ORDERED that:

- 11 1. Plaintiff’s in forma pauperis in this action is REVOKED;
- 12 2. The Court’s order granting Plaintiff’s application to proceed in forma pauperis,  
13 entered on July 9, 2010, is VACATED;
- 14 3. The Court’s order directing payment of the inmate filing fee by the CDCR, entered  
15 on July 9, 2010, is VACATED;
- 16 4. This action is DISMISSED, without prejudice to refiling with the submission of the  
17 \$350.00 filing fee in full;
- 18 5. The Clerk is directed to CLOSE this case; and
- 19 6. The Clerk is directed to SERVE a copy of this order on the Director of the CDCR,  
20 via the Court’s electronic case filing system.

21 IT IS SO ORDERED.

22 Dated: December 14, 2010

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

25 <sup>1</sup> The Court takes judicial notice of case numbers 2:94-cv-01616-DFL-GGH PC Johnson v. State of  
26 California (E.D. Cal.) (dismissed 07/26/1995 for failure to state a claim); 2:94-cv-01146-EJG-GGH PC Johnson v.  
27 Briscoe, et al. (E.D. Cal.) (dismissed 08/17/1995 for failure to state a claim). and 2:94-cv-01925-WBS-GGH PC  
Johnson v. Bonaccorso, et al. (E.D. Cal.) (dismissed 09/08/1995 for failure to state a claim).

28 <sup>2</sup> This action involves the claim that Plaintiff was arbitrarily imposed three separate SHU terms for the same  
rule violation, in violation of the California Code of Regulations.