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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

CASE NO. 1:10-cv-1423-LJO-MJS (PC)

Plaintiff,

ORDER DENYING PLAINTIFF IN FORMA
PAUPERIS STATUS, AND REQUIRING
PLAINTIFF TO PAY \$350.00 FILING FEE IN
FULL BY SEPTEMBER 15, 2010 OR
DISMISSAL WILL OCCUR

v.

SECRETARY OF DEP'T OF
CORRECTIONS, et al.,

Defendants.

\$350 FILING FEE DUE SEPTEMBER 15, 2010

_____ /

Plaintiff Bryan E. Ransom ("Plaintiff"), a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 9, 2010. Plaintiff has not paid the \$350.00 filing fee or submitted an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. As discussed below, based on Plaintiff's litigation history, the Court finds that he is ineligible to proceed in forma pauperis and must pay the full filing fee.

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 §

1 1915(g)¹ and is precluded from proceeding in forma pauperis unless Plaintiff is, at the time the
2 complaint is filed, under imminent danger of serious physical injury. Andrews v. Cervantes, 493
3 F.3d 1047, 1053 (9th Cir. 2007).

4 The Court has reviewed Plaintiff's complaint and finds that Plaintiff does not meet the
5 imminent danger exception.² Because Plaintiff has alleged no facts that support a finding that he is
6 under imminent danger of serious physical injury, Plaintiff is ineligible to proceed in forma pauperis
7 in this action, and must submit the appropriate filing fee in order to proceed with this action.

8 Based on the foregoing, it is HEREBY ORDERED that Plaintiff shall pay the \$350.00 filing
9 fee in full by **September 15, 2010** or this action will be dismissed without prejudice.

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11 IT IS SO ORDERED.

12 **Dated: August 11, 2010**

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

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25 ¹ The Court takes judicial notice of the following cases filed by Plaintiff: Ransom v. Doe, 96-cv-8204-
26 RSWL (C.D. Cal.)(dismissed for failure to state a claim on December 6, 1996); Ransom v. Chief Williams, 96-cv-
8203-MRP (C.D. Cal.)(dismissed for failure to state a claim on December 10, 1996); and Ransom v. Sandoval, 01-
cv-513-JM(JAH) (S.D. Cal.)(dismissed for failure to state a claim on January 10, 2002).

27 ² Plaintiff's allegations concern whether the prison is complying with the Americans with Disabilities Act by
28 providing the necessary accommodations for his disabilities. Nothing in the Complaint indicates that Plaintiff is in
imminent danger of serious physical injury. See Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007).