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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRYAN A. RANSOM,

CASE NO. 1:11-cv-68-OWW-MJS (PC)

Plaintiff,

ORDER DENYING PLAINTIFF IN FORMA PAUPERIS STATUS, AND DISMISSING ACTION WITHOUT PREJUDICE TO REFILEING CONTEMPORANEOUS WITH SUBMISSION OF \$350.00 FILING FEE IN FULL

v.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al.,

(ECF No. 1)

Defendants.

Plaintiff Bryan A. Ransom, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 13, 2011.

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.” Plaintiff is subject to section 1915(g) and is precluded from proceeding in forma pauperis unless he is, at the time the complaint is filed, under imminent danger of serious physical injury.¹

The Court has reviewed Plaintiff’s complaint and finds that Plaintiff does not meet the

¹ The Court takes judicial notice of the following cases: Ransom v. Doe, et al., 1:96-cv-8204-RAWL (CT) (C.D. Cal.) (dismissed pursuant to Heck v. Humphrey, 512 U.S. 477 (1994) on December 6, 1996); Ransom v. Chief Williams, 96-cv-8203 MRP (C.D. Cal.) (Dismissed pursuant to Heck on December 10, 1996); and Ransom v. Sandoval, 3:01-cv-513-JM (JAH) (S.D. Cal.) (Dismissed for failure to state a claim on January 10, 2002).

1 imminent danger exception.² Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007). Because
2 Plaintiff alleges no facts supporting a finding that he is under imminent danger of serious physical
3 injury, Plaintiff is ineligible to proceed in forma pauperis in this action.

4 Accordingly, it is HEREBY ORDERED that:

- 5 1. Plaintiff is DENIED the right to proceed in forma pauperis; and
- 6 2. This action is dismissed, without prejudice to refiling contemporaneous with the
7 submission of the \$350.00 filing fee in full.

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9 IT IS SO ORDERED.

10 **Dated: March 8, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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27 ² Plaintiff's Complaint alleges that he received inadequate medical care for his hepatitis C, that he was
28 wrongfully denied medical marijuana, that he was denied access to the courts, that he is being subjected to a diet
high in trans fats, and that he is being denied assistance with writing his grievances and legal actions in violation of
the Americans with Disabilities Act. (ECF No. 1.)