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

THOMAS D. BRALEY,

1:11-cv-00522-AWI-GSA PC

Plaintiff,

ORDER REVOKING PLAINTIFF’S IN  
FORMA PAUPERIS STATUS

v.

ORDER VACATING ORDER GRANTING  
APPLICATION TO PROCEED IN FORMA  
PAUPERIS  
(ECF No. 5.)

ACCESS SECUREPAK, et al.,

Defendants.

ORDER DISMISSING ACTION, WITHOUT  
PREJUDICE TO REILING WITH  
SUBMISSION OF \$350.00 FILING FEE IN  
FULL

ORDER FOR CLERK TO CLOSE CASE

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Plaintiff Thomas Braley, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 18, 2011 in the United States District Court for the Eastern District of Missouri. On March 23, 2011, that court entered an order transferring the case to this district, and provisionally granting Plaintiff’s application for leave to proceed 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

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

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

8 Accordingly, it is HEREBY ORDERED that:

- 9 1. Plaintiff’s in forma pauperis in this action is REVOKED;
- 10 2. The March 23, 2011, order provisionally granting Plaintiff leave to proceed in forma  
11 pauperis is VACATED;
- 12 3. This action is DISMISSED, without prejudice to refile with the submission of the  
13 \$350.00 filing fee in full;
- 14 4. The Clerk is directed to CLOSE this case; and
- 15 5. The Clerk is directed to SERVE a copy of this order on the Director of the California  
16 Department of Corrections and Rehabilitation, via the Court’s electronic case filing  
17 system.

18 IT IS SO ORDERED.

19 Dated: May 17, 2011

  
20 CHIEF UNITED STATES DISTRICT JUDGE

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25 <sup>1</sup> The Court takes judicial notice of case numbers 2:01-cv-03867-GAF-MC Bralely v. Bledsoe (C.D. Cal.)  
26 (dismissed 10/31/2001 for failure to state a claim); 2:03-cv-04583-UA-SH- Bralely v. Mejia (C.D. Cal.) (dismissed  
27 07/16/2003 for failure to state a claim); 1:07-cv-011666-OWW-GSA-PC Bralely v. Los Angeles County Jail, et al.,  
(E.D. Cal.) (dismissed 3/12/2009 for failure to state a claim).

28 <sup>2</sup> Plaintiff’s allegations concern the improper deprivation of and damage to, his personal property. The  
complaint is devoid of any showing that Plaintiff is under imminent danger of serious physical injury.