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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RAYMOND ALFORD BRADFORD,

CASE NO. 1:11-cv-00990-AWI-SKO PC

Plaintiff,

ORDER DENYING PLAINTIFF’S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, AND DISMISSING ACTION, WITHOUT PREJUDICE TO REILING WITH SUBMISSION OF \$350.00 FILING FEE IN FULL

v.

I. VELLA-LOPEZ, et al.,

Defendants.

(Docs. 1 and 2)

Plaintiff Raymond Alford Bradford, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 15, 2011. Plaintiff seeks leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (Docs. 1, 2.)

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

¹ The Court takes judicial notice of case numbers 2:98-cv-00180-FCD-JFM PC Bradford v. White (E.D. Cal.) (dismissed 06/03/1999 as time barred); 2:02-cv-01859-FCD-GGH PC Bradford v. Terhune (E.D. Cal.) (dismissed 06/18/2003 pursuant to section 1915(g) on a motion to dismiss); 1:04-cv-05496-AWI-DLB PC Bradford v. Terhune (E.D. Cal.) (dismissed 10/21/2004 for failure to state a claim); 2:05-cv-00862-FCD-DAD PC (E.D. Cal.) (dismissed 09/30/2005 for failure to state a claim and as frivolous); and 1:07-cv-01031-OWW-LJO Bradford v. Superior Court of California (E.D. Cal.) (dismissed 08/21/2007 as frivolous).

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

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. Plaintiff's motion for leave to proceed in forma pauperis in this action is denied; and
- 7 2. This action is dismissed, without prejudice to refile with the submission of the
8 \$350.00 filing fee in full.

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10 IT IS SO ORDERED.

11 Dated: August 23, 2011

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14 CHIEF UNITED STATES DISTRICT JUDGE

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28 ² Plaintiff's allegations concern medical care issues and the failure to process his inmate appeals concerning those issues.