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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TAHEE A. RASHEED,

1:11cv01921 LJO DLB

Plaintiff,

ORDER FINDING PLAINTIFF INELIGIBLE TO PROCEED IN FORMA PAUPERIS AND DISMISSING ACTION, WITHOUT PREJUDICE TO REILING WITH SUBMISSION OF \$350.00 FILING FEE IN FULL

v.

MAYOR OF SAN FRANCISCO, et al.,

Defendants.

ORDER FOR CLERK TO CLOSE CASE

_____ /

Plaintiff Tahee A. Rasheed, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 15, 2011.¹ Plaintiff has not paid the \$350 filing fee for this action or submitted an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

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

_____ ¹ Plaintiff has filed numerous civil actions in this Court using the names James E. Smith, Tahee Abdul Rasheed and Tahee Adb’ Rasheed.

1 complaint is filed, under imminent danger of serious physical injury.²

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

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. Plaintiff is ineligible to proceed in forma pauperis in this action;
- 8 2. This action is DISMISSED, without prejudice to refile with the submission of
9 the \$350.00 filing fee in full; and
- 10 3. The Clerk is directed to CLOSE this case.

11 IT IS SO ORDERED.

12 **Dated:** November 22, 2011

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

24 ² The Court takes judicial notice of 1:07-cv-00509-LJO-SMS Smith v. John/Jane Does, et al. (E.D. Cal.)
25 (dismissed for frivolousness, maliciousness, and failure to state a claim on 05/04/2007), 1:06-cv-00310-AWI-LJO
26 Smith v. Scribner, et al. (E.D. Cal.) (dismissed for failure to state a claim on 05/09/2007), 1:07-cv-00531-AWI-SMS
27 Smith v. Social Security Administrative Office, Employees (E.D. Cal.) (dismissed for failure to state a claim on
05/09/2007), and 1:06-cv-01434-LJO-LJO Smith v. Board of Prison Term Personnel, et al. (E.D. Cal.) (dismissed
for failure to state a claim on 08/16/2007).

28 ³ Plaintiff alleges that Defendants conspired to fraudulently conduct his criminal trial and falsely imprison
him. The complaint is devoid of any showing that Plaintiff is under imminent danger of serious physical injury.