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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA T. WOOLRIDGE,

Plaintiff,

vs.

A. RIVERIA, et al.,

Defendants.

) 1:12-cv-00372-GSA-PC

) ORDER DENYING APPLICATION TO
) PROCEED IN FORMA PAUPERIS
) AND DISMISSING ACTION, WITHOUT
) PREJUDICE TO REILING WITH
) SUBMISSION OF \$350.00 FILING FEE
) IN FULL

) (Doc. 2.)

) ORDER FOR CLERK TO CLOSE CASE

Joshua T. Woolridge ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on March 12, 2012, and filed an application to proceed in forma pauperis on March 26, 2012. (Docs. 1, 2.) On April 11, 2012, Plaintiff consented to Magistrate Judge jurisdiction in this action, and no other parties have made an appearance. (Doc. 4.) Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the undersigned shall conduct any and all proceedings in the case until such time as reassignment to a District Judge is required. Local Rule Appendix A(k)(3).

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

1 occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the
2 United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim
3 upon which relief may be granted, unless the prisoner is under imminent danger of serious physical
4 injury.” A review of the actions filed by Plaintiff reveals that Plaintiff is subject to 28 U.S.C. § 1915(g)
5 and is precluded from proceeding in forma pauperis unless Plaintiff is, at the time the complaint is filed,
6 under imminent danger of serious physical injury.¹

7 The Court has reviewed Plaintiff’s Complaint and finds that Plaintiff does not meet the imminent
8 danger exception.² Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007). Plaintiff alleges in the
9 Complaint that the defendants failed to protect him when they allowed another inmate to assault Plaintiff
10 with a homemade weapon on March 23, 2010, and then attempted to cover up the assault.³ Plaintiff may
11 not proceed in forma pauperis in this action, and must submit the appropriate filing fee in order to
12 proceed with this action. Therefore, Plaintiff’s application to proceed in forma pauperis shall be denied,
13 and this action shall be dismissed, without prejudice to refile with the submission of the \$350.00 filing
14 fee in full.

15 Based on the foregoing, it is HEREBY ORDERED that:

- 16 1. Pursuant to 28 U.S.C. § 1915(g), Plaintiff’s application to proceed in forma pauperis in
17 this action is denied;

19
20 ¹The Court takes judicial notice of case numbers 5:04-cv-01602-UA-MAN Woolridge v. San Bernardino
21 County Dep’t of Childrens Svc. Dir., et al. (C.D. Cal.) (dismissed 01/20/2005 for failure to state a claim); 5:06-cv-
22 01351-UA-MAN Woolridge v. San Bernardino County Dep’t of Childrens Svc. Dir. (C.D. Cal.) (dismissed
23 01/03/2007 for failure to state a claim); 5:07-cv-00229-UA-DUTY Woolridge v. San Bernardino County Dep’t of
24 Childrens Svc. Dir. (C.D. Cal.) (dismissed 03/20/2007 for failure to state a claim); 5:08-cv-01815-UA-MAN
25 Woolridge v. City/County of Riverside, et al., (C.D. Cal.) (dismissed 01/16/2009 for failure to state a claim); 5:09-
26 cv-00314-UA-MAN Woolridge v. City/County of Riverside, et al., (C.D. Cal.) (dismissed 02/23/2009 for failure to
27 state a claim); 1:09-cv-00158-AWI-GSA Woolridge v. Cal. Dep’t of Corr. & Rehab., et al., (E.D. Cal.) (dismissed
28 05/15/2009 for failure to state a claim); 2:09-cv-00734-JAM-GGH Woolridge v. Cal. Dep’t of Corr. & Rehab.,
(E.D. Cal.) (dismissed 07/27/2009 for failure to state a claim); and 5:09-cv-01377-UA-MAN Woolridge v. Anwar,
(C.D. Cal.) (dismissed 07/29/2009 for failure to state a claim).

26 ²The Court expresses no opinion on the merits of Plaintiff’s claims.

27 ³The Complaint is devoid of any showing that Plaintiff was under imminent danger of serious physical injury at the
28 time he filed the Complaint. Id.

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2. This action is DISMISSED, without prejudice to refileing with the submission of the \$350.00 filing fee in full; and
3. The Clerk is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: April 16, 2012

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE