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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TONY BLACKMAN,

Plaintiff,

v.

JERRY BROWN, *Governor of the State of California,*

Defendant.

CASE No. 1:13-cv-00578-LJO-MJS (PC)

ORDER DENYING MOTION TO PROCEED
IN FORMA PAUPERIS

(ECF No. 2)

\$350 FILING FEE DUE WITHIN TWENTY
DAYS

_____ /

Plaintiff Tony Blackman is a California state prisoner proceeding pro se in a civil rights action filed April 22, 2013 pursuant to 42 U.S.C. § 1983. (ECF No. 1.) On April 22, 2013, Plaintiff filed a motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.)

1 The Prison Litigation Reform Act provides that “[i]n no event shall a prisoner bring
2 a civil action . . . under this section if the prisoner has, on 3 or more occasions, while
3 incarcerated or detained in any facility, brought an action or appeal in a court of the
4 United States that was dismissed on the grounds that it is frivolous, malicious, or fails to
5 state a claim upon which relief may be granted, unless the prisoner is under imminent
6 danger of serious physical injury.” 28 U.S.C. § 1915(g).
7

8 Court records reveal that pursuant to 28 U.S.C. § 1915(g), Plaintiff is ineligible to
9 proceed in forma pauperis and is required to submit the filing fee in full in order to
10 proceed with this action. The Court takes judicial notice of the following cases that
11 qualify as strikes pursuant to 28 U.S.C. § 1915(g): Blackman v. Hartwell, et al., Case No.
12 1:99-cv-05822-REC-HGB PC (E.D. Cal.) (dismissed March 12, 2001 for failure to state a
13 claim); Blackman v. Medina, Case No. 3:05-cv-05390-SI (N. D. Cal.) (dismissed March
14 13, 2006 for failure to state a claim); Blackman v. Variz, Case No. 3:06-cv-06398-SI
15 (N.D. Cal.) (dismissed December 18, 2006 for failure to state a claim); Blackman v.
16 Taxdahl, Case No. 1:04-cv-06389-AWI-NEW (DLB) PC (E. D. Cal.) (dismissed May 18,
17 2007 for failure to state a claim); Blackman v. Evans, et al., Case No.
18 1:06-cv-00081-GSA (E. D. Cal.) (dismissed February 3, 2009 for failure to state a claim).
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21 Plaintiff’s Complaint alleges that he was denied due process and access to courts
22 when prison officials failed to process his inmate grievances and provide documentation
23 supporting his in forma pauperis application(s). Plaintiff is not under imminent danger of
24 serious physical injury, and is required to pay the \$350.00 filing fee before proceeding in
25 this action.
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27 Accordingly, it is HEREBY ORDERED that Plaintiff’s motion to proceed in forma

1 pauperis (ECF No. 2) is DENIED. Plaintiff is ordered to pay the \$350.00 filing fee in full
2 within twenty (20) days from the date of service of this Order. Failure to pay the filing fee
3 will result in dismissal of this action.

4 IT IS SO ORDERED.

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6 Dated: April 24, 2013

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

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