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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAYMOND ALFORD BRADFORD,

 Plaintiff,

 v.

M. PORTILLO, et al.,

 Defendants.

Case No. 1:13-cv-01529 AWI DLB PC

ORDER DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS
(Document 4)

ORDER REQUIRING PLAINTIFF TO PAY
FILING FEE IN FULL WITHIN FOURTEEN
DAYS OR ACTION WILL BE DISMISSED

Plaintiff Raymond Alford Bradford (“Plaintiff”) is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on September 24, 2013. Plaintiff has not paid the required filing fee for this case and, for the reasons discussed below, cannot proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

A. SECTION 1915(g)

Plaintiff is subject to section 1915(g), which 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.” 28 U.S.C. § 1915(g).

1 Plaintiff has had three or more actions dismissed as frivolous or for failing to state a claim.¹
2 Thus, he may proceed in forma pauperis only if he is in imminent danger. The determination
3 whether Plaintiff is under imminent danger of serious physical injury is made based on the
4 conditions at the time the complaint is filed, and the allegation of imminent danger must be
5 plausible. Andrews v. Cervantes, 493 F.3d 1047, 1053-1054 (9th Cir. 2007).

6 **B. PLAINTIFF'S ALLEGATIONS**

7 Plaintiff is currently incarcerated at California State Prison, Corcoran. He names
8 Correctional Officers M. Portillo and J. Cole as Defendants.

9 Plaintiff alleges that on August 18, 2012, Defendants used excessive force and denied him
10 use of his wheelchair. Plaintiff, who is disabled, was in handcuffs. When he requested his assigned
11 wheelchair, Defendants refused. When Plaintiff asked to see a supervisor, Defendants grabbed
12 Plaintiff by the wrist and bent it backwards, dislocating his left wrist and inflicting pain. Plaintiff
13 contends that Defendants are responsible for his injuries and that the excessive force was not
14 justified. He further contends that he is in pain daily and is being denied treatment to fix his left
15 wrist.

16 For relief, Plaintiff requests monetary damages.

17 **C. DISCUSSION**

18 Here, Plaintiff makes no claim that he is in imminent danger of serious physical injury.
19 Rather, he alleges an instance of excessive force that occurred in August 2012 and resulting pain in
20 his wrist. Plaintiff's pain and treatment issues, however, do not place him in imminent danger of
21 serious physical injury at the time the complaint was filed. Accordingly, he is not entitled to proceed
22 under the imminent danger exception.

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27 ¹ The Court takes judicial notice of case numbers 2:98-cv-00180-FCD-JFM PC Bradford v. White (E.D. Cal.)
28 (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 Bradford v. Grannis (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 **D. ORDER**

2 For the reasons stated, it is HEREBY ORDERED as follows:

- 3 1. Plaintiff's application to proceed in forma pauperis (Document 4) is DENIED;
- 4 2. Plaintiff shall pay the \$400.00 filing fee in full within fourteen (14) days from the
- 5 date of service of this order; and
- 6 3. If Plaintiff fails to pay the \$400.00 filing fee in full within fourteen days, this action
- 7 shall be dismissed without prejudice.

8 IT IS SO ORDERED.

9 Dated: November 19, 2013

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11 _____
12 SENIOR DISTRICT JUDGE