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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KIRELL TAYLOR,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
et al.,
Defendants.

Case No. 1:13-cv-01558 AWI DLB PC
ORDER REVOKING PLAINTIFF’S IN
FORMA PAUPERIS STATUS, AND
REQUIRING PLAINTIFF TO PAY FILING
FEE IN FULL WITHIN THIRTY DAYS
[ECF Nos. 7, 8]

Plaintiff Kirell Taylor (“Plaintiff”) is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on September 26, 2013. On December 12, 2013, the Court granted Plaintiff’s motion for leave to proceed in forma pauperis. However, following a review of the cases filed by Plaintiff, it is now apparent that Plaintiff is subject to 28 U.S.C. § 1915(g). For the reasons set forth below, Plaintiff is not entitled to proceed in forma pauperis in this action, his in forma pauperis status shall be revoked, and he shall be required to submit the \$400.00 filing fee in full.

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 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,

1 malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under
2 imminent danger of serious physical injury.” Plaintiff has had three or more actions dismissed as
3 frivolous, as malicious, or for failing to state a claim upon which relief may be granted. The
4 Court takes judicial notice¹ of the following cases: (1) Bettis v. Paulson,² CV-09-1544-UA-CT
5 (C.D. Cal.) (Plaintiff’s action was dismissed as frivolous on April 13, 2009); (2) Bettis v.
6 Blackstone, 1:08-cv-01561-AWI-GSA (E.D. Cal.) (Plaintiff’s action was dismissed for failure to
7 state a claim on September 11, 2009); and (3) Bettis v. Tillie-Moore, CV 09-788-CT (C.D. Cal.)
8 (Plaintiff’s action was dismissed as frivolous on February 11, 2009). Because Plaintiff has
9 accumulated “three strikes” against him, he may only proceed in forma pauperis under § 1915 if
10 he was under imminent danger of serious physical injury at the time he brought his action. See
11 28 U.S.C. § 1915(g); Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007).

12 The Court has reviewed Plaintiff’s complaint and finds that Plaintiff does not meet the
13 imminent danger exception. The complaint concerns allegations of misappropriation of trade
14 secrets and copyrights, misappropriation of art or invention, retaliation by failing to provide
15 Plaintiff with photocopying services, deliberate indifference concerning an incident which took
16 place in 2011, retaliation by issuing a false rules violation report, interference and destruction of
17 mail, denial of access to courts, and retaliation by destruction of property. The Court finds that
18 Plaintiff’s complaint does not set forth any plausible allegation that at the time suit was filed,
19 Plaintiff was facing imminent danger of serious physical injury, and he is not eligible to proceed
20 in forma pauperis in this action. Therefore, Plaintiff’s in forma pauperis status shall be vacated,
21 and Plaintiff will be directed to submit the filing fee in order to proceed with this action.

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27 ¹ The Court may take judicial notice of court records in other cases. United States v. Howard, 381 F.3d 873, 876 n.1
28 (9th Cir. 2004).

² Plaintiff also goes by the name of Kirell Francis Bettis.

ORDER

Based on the foregoing, it is HEREBY ORDERED that:

1. The order granting Plaintiff leave to proceed in forma pauperis is VACATED;

2. Pursuant to 28 U.S.C. § 1915(g), Plaintiff is ineligible to proceed in forma pauperis in this action; and

3. Plaintiff is ORDERED to submit the \$400.00 filing fee in full within thirty days or dismissal of this action will occur.

IT IS SO ORDERED.

Dated: September 4, 2014



SENIOR DISTRICT JUDGE