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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

TONY BLACKMAN,  
Plaintiff,  
v.  
N. PARRA, et al.,  
Defendants.

Case No. 1:13-cv-01780-AWI-MJS (PC)  
ORDER DENYING MOTION TO  
PROCEED IN FORMA PAUPERIS  
(ECF No. 2)  
\$400 FILING FEE DUE WITHIN  
TWENTY-ONE DAYS

Plaintiff Tony Blackman is a California state prisoner proceeding pro se in a civil rights action filed November 4, 2013 pursuant to 42 U.S.C. § 1983. (ECF No. 1.) On November 4, 2013, Plaintiff filed a motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.)

The Prison Litigation Reform Act provides that “[i]n no event shall a prisoner bring a civil action . . . under this section if the prisoner has, on 3 or more 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 Court records reveal that pursuant to 28 U.S.C. § 1915(g), Plaintiff is ineligible to  
2 proceed in forma pauperis and is required to submit the filing fee in full in order to  
3 proceed with this action. The Court takes judicial notice of the following cases that  
4 qualify as strikes pursuant to 28 U.S.C. § 1915(g): Blackman v. Hartwell, et al., Case  
5 No. 1:99-cv-05822-REC-HGB PC (E.D. Cal.) (dismissed March 12, 2001 for failure to  
6 state a claim); Blackman v. Medina, Case No. 3:05-cv-05390-SI (N. D. Cal.) (dismissed  
7 March 13, 2006 for failure to state a claim); Blackman v. Variz, Case No. 3:06-cv-  
8 06398-SI (N.D. Cal.) (dismissed December 18, 2006 for failure to state a claim);  
9 Blackman v. Taxdahl, Case No. 1:04-cv-06389-AWI-NEW (DLB) PC (E. D. Cal.)  
10 (dismissed May 18, 2007 for failure to state a claim); Blackman v. Evans, et al., Case  
11 No. 1:06-cv-00081-GSA (E. D. Cal.) (dismissed February 3, 2009 for failure to state a  
12 claim).

13 Plaintiff's complaint alleges that he was denied due process and access to courts  
14 due to prison officials' failure to process his inmate grievances and provide  
15 documentation supporting his in forma pauperis application(s). Plaintiff is not under  
16 imminent danger of serious physical injury, and is required to pay the \$400.00 filing fee  
17 before proceeding in this action.

18 Accordingly, it is HEREBY ORDERED that Plaintiff's motion to proceed in forma  
19 pauperis (ECF No. 2) is DENIED. Plaintiff is ordered to pay the \$400.00 filing fee in full  
20 within twenty-one (21) days from the date of service of this order. Failure to pay the  
21 filing fee will result in dismissal of this action.

22 IT IS SO ORDERED.

23 Dated: November 8, 2013

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25 SENIOR DISTRICT JUDGE

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