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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESSE L. YOUNGBLOOD,
Plaintiff,
v.
K. J. ALLEN, et al.,
Defendants.

Case No. 1:14-cv-00595-LJO-SKO (PC)

ORDER (1) DENYING MOTION FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS, (2) DISMISSING ACTION,
WITHOUT PREJUDICE, PURSUANT TO 28
U.S.C. § 1915(G), AND (3) DIRECTING
CLERK OF COURT TO ENTER
JUDGMENT

(Docs. 1 and 2)

_____ /

Plaintiff Jesse L. Youngblood, a prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 24, 2014. Plaintiff seeks leave to proceed in forma pauperis in this case.

However, Plaintiff is subject to 28 U.S.C. 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.”¹ The Court has reviewed Plaintiff’s complaint and his allegations do not satisfy

¹ The Court takes judicial notice of the following United States District Court cases: *Youngblood v. State of California*, 4:11-cv-04064-PJH (N.D. Cal.) (dismissed March 16, 2012, for failure to state a claim); *Youngblood v. Warden*, 4:12-cv-04423-PJH (N.D. Cal.) (dismissed February 4, 2013, as frivolous and for failure to state a claim); and *Youngblood v. Feather Falls Casino*, 4:13-cv-01282-PJH (N.D. Cal.) (dismissed February 29, 2013, as frivolous

1 the imminent danger exception to section 1915(g).² *Andrews v. Cervantes*, 493 F.3d 1047, 1055-
2 56 (9th Cir. 2007). Therefore, Plaintiff must pay the \$400.00 filing fee if he wishes to litigate his
3 claim.

4 Accordingly, the Court HEREBY ORDERS as follows:

- 5 1. Plaintiff's motion for leave to proceed in forma pauperis in this action is DENIED;
- 6 2. This action is DISMISSED, without prejudice to re-filing accompanied by the
7 \$400.00 filing fee; and
- 8 3. The Clerk of the Court shall enter judgment.

9 IT IS SO ORDERED.

10 Dated: April 28, 2014

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

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27 and for failure to state a claim). These strikes were final prior to the date Plaintiff filed this action. *Silva v. Di*
Vittorio, 658 F.3d 1090, 1098-1100 (9th Cir. 2011).

28 ² Plaintiff is alleging denial of access to the courts. (Comp., pp. 7-8.)