

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODNEY BROWN,
Plaintiff,
v.
JERRY BROWN, et al.,
Defendants.

Case No. 1:14-cv-01028 DLB PC
ORDER REVOKING IN FORMA PAUPERIS
STATUS AND DIRECTING PLAINTIFF TO
PAY \$400.00 FILING FEE IN FULL, OR
SUFFER DISMISSAL
[ECF Nos. 2 and 7]

Plaintiff Rodney Brown, # AT-6806, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 26, 2014, along with a motion for leave to proceed in forma pauperis.¹ On July 17, 2014, the Court granted Plaintiff’s motion to proceed in forma pauperis.

It has come to the Court’s attention that Rodney Brown (#AT-6806) served a prior commitment with the California Department of Corrections and Rehabilitation (“CDCR”) under the name of Rodney O. Brown under CDCR #D-18656. See Brown v. Hubbard, Case No. 2:08-2394-EFS (E.D. Cal. 2009)²; see also Pl.’s Compl. Ex. B-2 (ECF No. 1). In addition, he has served a prior commitment with the CDCR under the name of Ronnie O. Brown under CDCR #K-

¹ On August 11, 2014, Plaintiff consented to the jurisdiction of the Magistrate Judge pursuant to 28 U.S.C. § 636(c).

² The Court may take judicial notice of its own records, United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980), and court records in other cases, United States v. Howard, 381 F.3d 873, 876 n.1 (9th Cir. 2004).

1 89434. Id. Plaintiff has filed numerous actions in the District Courts under his various names and
2 CDCR numbers. Under the name of Ronnie O. Brown alone, Plaintiff has filed approximately
3 fifty separate actions in the District Courts. Id.

4 Plaintiff is subject to 28 U.S.C. § 1915(g), which provides that “[i]n no event shall a
5 prisoner bring a civil action . . . under this section if the prisoner has, on 3 or more prior occasions,
6 while incarcerated or detained in any facility, brought an action or appeal in a court of the United
7 States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim
8 upon which relief may be granted, unless the prisoner is under imminent danger of serious
9 physical injury.” The Court takes judicial notice of the following United States District Court
10 cases: Brown v. Hubbard, Case No. 2:08-2394-EFS (E.D. Cal. 2009) (Plaintiff determined to be a
11 vexatious litigant under 28 U.S.C. § 1915(g) and ordered to pay filing fee); Brown v. Dept. of
12 Adult Parole Operations, et al., Case No. EDCV08-11 (JWJ) (C.D. Cal. 2008) (dismissed as
13 legally and/or factually frivolous); Brown v. G. R. Gonzales, et al., Case No. CIV-S-07-0150 JAM
14 EFB P (E.D. Cal. 2007) (dismissed for failure to state a claim); Brown v. State of California
15 Judicial Council on Performance, Case No. 3:07-cv-00174-PJH (N.D. Cal. 2007) (dismissed for
16 failure to state a claim); and Brown v. Schwarzenegger, et al., Case No. CIV S-06-2921 LKK
17 KJM P (E.D. Cal. 2006) (dismissed as duplicative and frivolous).

18 The Court has reviewed Plaintiff’s complaint. Plaintiff is suing Governor Jerry Brown,
19 CDCR Secretary Jeffrey Beard, Warden John Katavich, Correctional Lieutenant Barry,
20 Correctional Lieutenant and Appeals Coordinator F. Feliciano, Correctional Lieutenant and
21 Appeals Coordinator T. Schultz, CDCR Court Compliance Correctional Counselor Doe #1,
22 Registered Nurse Reynoso, Deputy Director of Health Care Services Doe #2, and Correctional
23 Food Manager Doe #3. Plaintiff’s complaint concerns allegations over failures to comply with
24 court-ordered mandates to ease prison overcrowding, lack of appropriate prison accommodations
25 for disabled inmates, unauthorized seizure of funds from Plaintiff’s trust account, failure to assist
26 Plaintiff in daily activities such as filling out documents, and denial of proper medical treatment
27 under the Americans with Disabilities Act. Plaintiff’s allegations do not satisfy the imminent
28 danger exception to section 1915(g). Andrews v. Cervantes, 493 F.3d 1047, 1055-56 (9th Cir.

1 2007).

2 Therefore, Plaintiff must pay the \$400.00 filing fee if he wishes to litigate his claims.

3 Accordingly, the Court HEREBY ORDERS as follows:

- 4 1. Plaintiff's in forma pauperis status is REVOKED;
- 5 2. Plaintiff is DIRECTED to pay the \$400.00 filing fee in full within thirty (30) days
- 6 of the date of service of this order, or suffer dismissal of the action.

7
8 IT IS SO ORDERED.

9 Dated: June 4, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28