

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

10 JASON E. PELLUM, SR., Case No. 1:14-cv-02026 AWI DLB (PC)

11 Plaintiff, ORDER DISMISSING ACTION, WITHOUT  
12 v. PREJUDICE, PURSUANT TO 28 U.S.C. §  
1915(G)

13 | FRESNO POLICE DEPARTMENT, et al., (Doc. 1)

14 Defendants.

Plaintiff Jason E. Pellum, Sr., a prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 5, 2014. 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.”<sup>1</sup>

<sup>26</sup> Plaintiff has at least three dismissals which qualify as final strikes under section 1915(g). Silva v. Di Vittorio, 658 F.3d 1090, 1098-99 (9th Cir. 2011). The Court takes judicial notice of the following United States District Court cases: Pellum v. Fresno Police Dept., 1:10-cv-1258-OWW-SKO (E.D.Cal.) (dismissed for failure to state a claim on Mar. 7, 2011); Pellum v. The White House, 2:13-cv-0651-AC (E.D.Cal.) (dismissed as frivolous on April 26, 2013); Pellum v. Skiles, 1:14-cv-1082-MJS (E.D.Cal.) (dismissed for failure to state a claim on July 22, 2014).

The Court has reviewed Plaintiff's complaint and his allegations do not satisfy the imminent danger exception to section 1915(g).<sup>2</sup> Andrews v. Cervantes, 493 F.3d 1047, 1055-56 (9th Cir. 2007). If Plaintiff wishes to pursue this action, he must first pay the \$400.00 filing fee.

Accordingly, the Court HEREBY ORDERS as follows this action is DISMISSED, without prejudice to re-filing accompanied by the \$400.00 filing fee.

IT IS SO ORDERED.

Dated: February 12, 2015

Ashblu  
SENIOR DISTRICT JUDGE

## SENIOR DISTRICT JUDGE

<sup>2</sup> Plaintiff is currently incarcerated at Fresno County Jail, and his allegations concern alleged incidents of racial discrimination by the Fresno Police Department. His complaint presents no allegations that he is under imminent danger of serious physical injury.