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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASON E. PELLUM, SR.,

Case No. 1:15-cv-00120 AWI DLB (PC)

Plaintiff,

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

v.

FEDERAL JUDGE LAWRENCE J.
O'NEILL, et al.,

(Doc. 1)

Defendants.

Plaintiff Jason E. Pellum, Sr., a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 9, 2015. 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

¹ 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).

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

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

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7 IT IS SO ORDERED.

8 Dated: February 12, 2015



SENIOR DISTRICT JUDGE

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28 ² Plaintiff is currently incarcerated at Fresno County Jail, and his allegations concern judicial decisions in a state court case. His complaint presents no allegations that he is under imminent danger of serious physical injury.