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7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA**  
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10 ZANE HUBBARD,

Case No. 1:15-cv-00344 AWI DLB (PC)

11 Plaintiff,

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

12 v.

13 B. VAN KLAVERAN, et al.,

(Doc. 1)

14 Defendants.  
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17 Plaintiff Zane Hubbard, a state prisoner proceeding pro se, filed this civil rights action  
18 pursuant to 42 U.S.C. § 1983 on January 5, 2015. Plaintiff is subject to 28 U.S.C. § 1915(g),  
19 which provides that “[i]n no event shall a prisoner bring a civil action . . . under this section if the  
20 prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought  
21 an action or appeal in a court of the United States that was dismissed on the grounds that it is  
22 frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner  
23 is under imminent danger of serious physical injury.”<sup>1</sup>  
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26 <sup>1</sup> Plaintiff has at least three dismissals which qualify as final strikes under section 1915(g). Silva v. Di Vittorio, 658  
27 F.3d 1090, 1098-99 (9th Cir. 2011). The Court takes judicial notice of the following cases which count as strikes:  
28 1:13-cv-00761-MJS-PC (ED Cal.) Hubbard v. CDCR, et al. (dismissed on 08/30/2013 for failure to state a claim);  
1:13-cv-01078-LJO-MJS-PC (ED Cal.) Hubbard v. Mendes, et al. (dismissed on 03/17/2014 for failure to state a claim); and 1:14-cv-00351-LJO-SAB-PC (ED Cal.) Hubbard v. Lua, et al. (dismissed on 05/06/2014 for failure to state a claim).

1 The Court has reviewed Plaintiff's complaint and his allegations do not satisfy the  
2 imminent danger exception to section 1915(g).<sup>2</sup> 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 as follows this action is DISMISSED, without  
5 prejudice to re-filing accompanied by the \$400.00 filing fee.

6 IT IS SO ORDERED.

7 Dated: March 11, 2015

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9 SENIOR DISTRICT JUDGE

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28 <sup>2</sup> Plaintiff is currently incarcerated at Corcoran State Prison, and his allegations concern difficulties in litigating his cases. His complaint presents no allegations that he is under imminent danger of serious physical injury.