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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD JOSE DUPREE, JR.,)	Case No.: 1:15-cv-00824-LJO-SAB (PC)
)	
Plaintiff,)	
)	ORDER DISMISSING ACTION, WITHOUT
v.)	PREJUDICE, PURSUANT TO 28 U.S.C. § 1915(G)
)	
SUPREME COURT OF CALIFORNIA, et al.,)	
)	
Defendants.)	
)	
)	

Plaintiff Richard Jose Dupree, Jr., # T-6266, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 27, 2015, in the United States District Court for the Eastern District of California, Sacramento Division. The action was transferred to this Court on June 1, 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: *Dupree v. Santiago, et al.*, 2:11-cv-00309-EFB (E.D. Cal. (dismissed February 22, 2011 for failure to state a claim; *Dupree v.*

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

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

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7 IT IS SO ORDERED.

8 Dated: June 3, 2015

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

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26 Mills, 2:11-cv-01619-JAM-DAD (E.D. Cal. (dismissed March 29, 2012 for failure to state a claim); and Dupree v. U.S.
27 Copyright Off., 2:11-cv-01700-WBS-KJN (E.D. Cal. (dismissed July 28, 2011 as frivolous and for failure to state a claim).

28 ² Plaintiff is currently incarcerated at the California State Prison in Corcoran. Plaintiff alleges that he was wrongly convicted in the Fresno County Superior Court of first degree murder because he did not receive a fair trial.