

1 should not be directed to pay the previously ordered \$350 plus the now applicable \$400
2 filing fee (totaling \$750 in filing fees), the cases identified in the F&R as “strikes” are not
3 really “strikes” and the “imminent danger at the time of filing” rule is simply a “judge
4 made rule,” and the F&R incorrectly sweeps aside plaintiffs Glass and Dupree. The
5 Court is not persuaded by Cohea’s objections.

6 First, Cohea will not be directed to pay a total of \$750. Once Plaintiff was granted
7 in forma pauperis status, he was responsible for a filing fee of \$350. With the revocation
8 of in forma pauperis status, the reduced \$350 filing fee no longer applies. Instead,
9 Plaintiff is now responsible for paying a full filing fee of \$400. As of the date of this
10 order, no funds from or on behalf of Cohea have been received by the Court. Therefore,
11 with the adoption of the F&R, Plaintiff will be required to pay a total of \$400.

12 Second, the Ninth Circuit has held that the “imminent danger” requirement of 28
13 U.S.C. § 1915(g) means “imminent danger at the time of filing.” See Andrews v.
14 Cervantes, 493 F.3d 1047, 1052-53 (9th Cir. 2008). The Court is bound to follow this
15 holding, despite Cohea’s characterization of *Andrew’s* holding as a “judge made rule.”
16 Further, the Ninth Circuit has determined that Cohea is subject to § 1915(g)’s three-
17 strikes provision. See Cohea v. Grannis, 585 Fed. Appx. 375 (9th Cir. 2014).
18 Therefore, the F&R correctly applied a “three-strikes” analysis to Cohea.

19 Third, with respect to Cohea’s arguments regarding Glass and Dupree, Cohea is
20 not in a position to make arguments for these individuals. A non-attorney pro se plaintiff
21 like Cohea may not represent any other party in a lawsuit. See Simon v. Hartford Life &
22 Accident Ins. Co., 546 F.3d 661, 664 (9th Cir. 2008); McShane v. United States, 366
23 F.2d 286, 288 (9th Cir. 1966). Therefore, Cohea’s objections on behalf of Glass and
24 Dupree are improper and will not be entertained. See id.

25 Finally, Cohea was not in imminent danger at the time he filed this lawsuit. The
26 events described in the Complaint occurred at Corcoran State Prison. At the time of
27 filing, Plaintiff had been transferred to, and still remains at, Pelican Bay State Prison.
28 The danger described at Corcoran is not present at Pelican Bay.

1 Having carefully reviewed the entire file, the Court finds that the F&R is supported
2 by the record and by proper analysis with respect to Cohea. With respect to Glass and
3 Dupree, Rule 11(a) requires every pleading to be signed either by an attorney or “by a
4 party personally if the party is unrepresented.” Rule 11 also requires the Court to “strike
5 an unsigned paper unless the omission is promptly corrected after being called to the
6 attorney’s or party’s attention.” Fed. R. Civ. P. 11(a). As stated above, Glass and
7 Dupree did not sign the Complaint. Pursuant to Rule 11(a), Glass and Dupree will be
8 required to submit a signed Complaint. If they fail to do so, they will be dismissed from
9 this case.

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11 Accordingly, it is HEREBY ORDERED that:

- 12 1. Consistent with the above analysis, the findings and recommendations,
13 filed on November 2, 2016 (ECF No. 11) is ADOPTED;
- 14 2. Plaintiff Cohea’s in forma pauperis status (ECF No. 9) is REVOKED;
- 15 3. Plaintiff is directed to pay the \$400 filing fee within fourteen (14) days of
16 service of this Order;
- 17 4. Plaintiff’s failure to timely pay the filing fee will result in the dismissal of
18 Plaintiff Cohea from this case without further notice;
- 19 5. Purported Plaintiffs Glass and Dupree are ordered to submitted signed
20 Complaints within ten (10) days of service of this order; and
- 21 6. The failure to timely submit a signed Complaint will result in the dismissal
22 of the purported Plaintiff(s) without further notice.

23 IT IS SO ORDERED.

24 Dated: December 21, 2016

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26 SENIOR DISTRICT JUDGE