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

Plaintiff Seavon Pierce (“Plaintiff”), a state prisoner proceeding pro se, filed this civil action on September 14, 2016. That same day, he also filed a motion for leave to proceed in forma pauperis.

SEAVON PIERCE,)	Case No.: 1:16-cv-01361-LJO-BAM
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S MOTION FOR
)	LEAVE TO PROCEED IN FORMA PAUPERIS
v.)	
)	(Doc. 2)
THE U.S. GOVERNMENT AND ITS)	
OFFICERS AS FEDERAL JUDGES, et al.,)	ORDER DISMISSING ACTION WITHOUT
)	PREJUDICE TO REFILE WITH SUBMISSION
Defendants.)	OF \$400.00 FILING FEE
)	

(Doc. 2).

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

The Court has reviewed Plaintiff’s complaint and his allegations do not satisfy the imminent danger exception to section 1915(g). Andrews v. Cervantes, 493 F.3d 1047, 1055-56 (9th Cir. 2007).

¹ The Court takes judicial notice of the following United States District Court cases: Seavon Pierce v. Lancaster State Prison, 2:13-CV-08126 (C.D. Cal.) (dismissed for frivolousness, failure to state a claim, and as malicious); Seavon Pierce v. Fernando Gonzales, et al., 1:10-cv-00285-JLT (E.D. Cal.) (dismissed on December 3, 2012 for failure to state a claim); and Seavon Pierce v. President Barack Obama, et al., 1:15-cv-00650-DAD-DLB (E.D. Cal.) (dismissed December 1, 2015, for failure to state a claim).

1 Plaintiff seeks to bring a petition as a class on behalf of himself, the media and press, the public and
2 affected prisoners. Plaintiff names the United States Government and its federal judges, California
3 Attorney General Kamala D. Harris, the California Department of Corrections and the United States
4 Congress as defendants. His complaint involves claims against unidentified Riverside court officials,
5 accusing them of falsifying public records, concealing facts, fraud and other illegal acts related to
6 litigation involving injuries allegedly inflicted on Plaintiff by officers at Lancaster State Prison in
7 2013. Plaintiff also alleges misconduct against Los Angeles federal court officers in legal
8 proceedings. Additionally, Plaintiff alleges wrongful acts by the government and its officers related to
9 the provision of an adequate law library, illegal confiscation of mail and the denial of fair access to
10 federal habeas proceedings. As relief, Plaintiff seeks, among other things, class certification, a
11 declaratory judgment and relief by Congress. Plaintiff makes no allegations concerning any imminent
12 danger of serious physical injury. Therefore, Plaintiff has not satisfied the exception from the three
13 strikes bar under 28 U.S.C. § 1915(g), and must pay the \$400.00 filing fee if he wishes to litigate this
14 claim.

15 Accordingly, the Court HEREBY ORDERS as follows:

- 16 1. Plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is DENIED; and,
- 17 2. This action is DISMISSED without prejudice to re-filing accompanied by the \$400.00
18 filing fee.

19
20 IT IS SO ORDERED.

21 Dated: September 19, 2016

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