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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRANDON ALEXANDER FAVOR,
Plaintiff,
v.
MONAE, et al.,
Defendants.

Case No. 1:17-cv-00756-SKO (PC)
FINDINGS AND RECOMMENDATIONS TO DENY PLAINTIFF'S REQUEST TO PROCEED IN FORMA PAUPERIS
(Doc. 2)
ORDER DIRECTING CLERK'S OFFICE TO ASSIGN A DISTRICT JUDGE
THIRTY (30) DAY DEADLINE

I. INTRODUCTION

Plaintiff, Brandon Alexander Favor, is a state prisoner proceeding *pro se* in this civil action under 28 U.S.C. § 13423(a) and 42 U.S.C. § 1983, which he filed on June 2, 2017. Along with the Complaint, Plaintiff filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. This request should be **DENIED** since Plaintiff has three strikes under § 1915 and his allegations fail to show that he is in imminent danger of serious physical injury.

II. THREE-STRIKES PROVISION OF 28 U.S.C. § 1915

28 U.S.C. § 1915 governs proceedings *in forma pauperis*. “In 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

1 injury.” 28 U.S.C. § 1915(g).

2 **III. DISCUSSION**

3 The Court may take judicial notice of court records. *United States v. Howard*, 381 F.3d
4 873, 876 n.1 (9th Cir. 2004). Here, judicial notice is taken of three of Plaintiff’s prior actions:¹
5 *Favor v. Rome, et al.*, 1:15-cv-01865-LJO-EPG, which was dismissed on November 22, 2016, for
6 failure to state a claim; *Favor-El v. United States of America, et al.*, 2:15-cv-01448-GEB-AC,
7 which was dismissed on October 22, 2015, as frivolous; and *Favor-El v. Rihanna, et al.*, 2:15-cv-
8 09502-JGB-JEM, which was dismissed on December 16, 2015, as frivolous, malicious, and for
9 failure to state a claim. Plaintiff is thus subject to 28 U.S.C. § 1915(g), and is precluded from
10 proceeding *in forma pauperis* in this action unless he demonstrates that at the time he filed this
11 action, he was under imminent danger of serious physical injury.

12 The Court has reviewed Plaintiff’s Complaint and finds that he does not meet the
13 imminent danger exception. *See Andrews v. Cervantes*, 493 F.3d 1047, 1053 (9th Cir. 2007).
14 Plaintiff’s allegations are largely incoherent -- it appears that he is simply reciting various events
15 of his upbringing and activities which resulted in his incarceration. (Doc. 1.) None of Plaintiff’s
16 allegations show that he was under an imminent danger at the time he filed this action. Based on
17 the foregoing, the Court finds that Plaintiff fails to allege an imminent danger of serious physical
18 injury necessary to bypass the restriction of § 1915(g) on filing suit without prepayment of the
19 filing fee since he has three strikes. Plaintiff may not proceed *in forma pauperis* and must submit
20 the appropriate filing fee in order to proceed with this action.

21 **IV. CONCLUSION and RECOMMENDATION**

22 Based on the foregoing, it is HEREBY RECOMMENDED that Plaintiff’s motion to
23 proceed *in forma pauperis*, filed June 2, 2017 (Doc. 2), be denied and that Plaintiff be ordered to
24 pay the filing fee in full.

25 The Clerk’s Office is directed to assign a district judge to this action.

26
27 ¹ It is noteworthy that Plaintiff has filed thirty-seven (37) actions in this district alone and has
28 filed numerous other actions in the other district courts in this state. It is also noted that Plaintiff
variously files actions under the surnames “Favor” and “Favor-El.”

