



1 **II. DISCUSSION**

2 The Court may take judicial notice of court records. *United States v. Howard*, 381 F.3d  
3 873, 876 n.1 (9th Cir. 2004). The Court takes judicial notice of eight of Plaintiff's prior lawsuits:  
4 (1) *Youngblood v. State of California, et al.*, CAED No. 2:05-cv-00727-LKK-DAD, dismissed  
5 for failure to state a claim on September 11, 2006; (2) *Youngblood v. Chico Parole Outpatient*  
6 *Clinic, et al.*, CAED No. 2:11-cv-02159-GGH, dismissed for failure to state a claim on October  
7 21, 2011; (3) *Youngblood v. State of California, et al.*, CAND No. 4:11-cv-04064-PJH, dismissed  
8 for failure to state a claim on March 16, 2012; (4) *Youngblood v. Lamarque, et al.*, CAND No.  
9 4:12-cv-04423-PJH, dismissed as frivolous and for failure to state a claim on February 4, 2013;  
10 (5) *Youngblood v. Feather Falls Casino*, CAND No. 4:13-cv-01282-PJH, dismissed as frivolous  
11 and for failure to state a claim on February 28, 2013; (6) *Youngblood v. Evans, et al.*, CAND No.  
12 4:13-cv-02097-PJH, dismissed a frivolous and for failure to state a claim on May 14, 2013; (7)  
13 *Youngblood v. Warden, et al.*, CAND No. 4:13-cv-04366-PJH, dismissed for failure to state a  
14 claim on November 12, 2013; and (8) *Youngblood v. Clark, et al.*, CAED No. 1:15-cv-01746-  
15 DAD-BAM (PC), dismissed for failure to state a claim on August 15, 2017. These actions were  
16 dismissed years before Plaintiff filed the present action on August 20, 2019. Thus, Plaintiff is  
17 subject to 28 U.S.C. § 1915(g) and is precluded from proceeding *in forma pauperis* in this action  
18 unless, at the time the Complaint was filed, he was under imminent danger of serious physical  
19 injury.

20 The Court has reviewed Plaintiff's Complaint in this action and finds that he does not  
21 meet the imminent danger exception. *See Andrews v. Cervantes*, 493 F.3d 1047, 1053 (9th Cir.  
22 2007). Plaintiff's allegations are based on his desire to be placed in a single cell and the fact that  
23 his prior lawsuits on this issue have been unsuccessful. Plaintiff also complains about being  
24 designated as a vexatious litigant in Butte County Superior Court. Plaintiff also complains that  
25 the various courts in which he has filed numerous prior actions are not properly allowing him to  
26 pursue legal action for constitutional violations. Plaintiff's recourse for errors by any court is to  
27 its appellate court and cannot be redressed merely by filing a new action -- such as here.

28 Though the circumstances Plaintiff complains of, if true, are not desirable, his allegations

1 do not show that he was in imminent danger of serious physical injury when he filed this action  
2 on August 20, 2019. *See Williams v. Paramo*, 775 F.3d 1182, 1190 (9th Cir. 2015); *Andrews v.*  
3 *Cervantes*, 493 F.3d 1047, 1056-57 (9th Cir. 2007). Thus, Plaintiff is precluded from proceeding  
4 *in forma pauperis* in this action. *Andrews*, 493 F.3d at 1056-57. This case should be dismissed  
5 without prejudice to refiling upon prepayment of the filing fee.

6 The Court also notes that, though Plaintiff's prison trust account statement reflects \$0.00  
7 for the six months prior to filing this action, (Doc. 2, pp. 3, 4), he also states that he has assets of  
8 "Music/Modern Day Invention(s)/Invention(s)/Cartoon(s)/Lawsuit(s)/Entrepreneur/etc." which  
9 have a value of "\$33.3 Trillion U.S. Dollars." (*Id.*, at p. 2.) Plaintiff signed the application under  
10 penalty of perjury. (*Id.*) If Plaintiff's statement of assets is believed, he has more than sufficient  
11 funds to be required to pay the filing fee for this action. "If an applicant has the wherewithal to  
12 pay court costs, or some part thereof, without depriving himself and his dependents (if any there  
13 be) of the necessities of life, then he should be required, in the First Circuit's phrase, to 'put his  
14 money where his mouth is.'" *Williams v. Latins*, 877 F.2d 65 (9th Cir. 1989) (affirming district  
15 court denial of *in forma pauperis* where in past 12 months, plaintiff received a sum of \$5,000  
16 settling a civil action and no indication it was unavailable to plaintiff) (citing, *Temple*, 586  
17 F.Supp. at 851 (quoting *In re Stump*, 449 F.2d 1297, 1298 (1st Cir. 1971) (per curiam)).  
18 However, the Court need not evaluate the accuracy of Plaintiff's statement of assets made in his  
19 application due to his prior strikes and lack of allegations showing imminent danger.

### 20 **III. CONCLUSION and RECOMMENDATION**

21 Based on the foregoing, the Court RECOMMENDS that Plaintiff's application to proceed  
22 *in forma pauperis*, filed on August 20, 2019, (Doc. 2) should be denied and this action should be  
23 dismissed without prejudice to refiling upon prepayment of the filing fee.

24 The Clerk's Office is directed to assign a district judge to this action.

25 These Findings and Recommendations will be submitted to the United States District  
26 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **21**  
27 **days** of the date of service of these Findings and Recommendations, Plaintiff may file written  
28 objections with the Court. The document should be captioned "Objections to Magistrate Judge's

1 Findings and Recommendations.” Plaintiff’s failure to file objections within the specified time  
2 may result in the waiver of his rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th  
3 Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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5 IT IS SO ORDERED.

6 Dated: August 25, 2019

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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