

1 physical injury.”¹ Plaintiff has been informed in prior cases that he is subject to 28 U.S.C.
2 § 1915(g).²

3 The Court has reviewed Plaintiff’s complaint and finds that his allegations do not satisfy
4 the imminent danger exception to section 1915(g).³ Andrews v. Cervantes, 493 F.3d 1047,
5 1053–55 (9th Cir. 2007). Though difficult to read, Plaintiff appears to allege a violation of due
6 process related to a disciplinary proceeding from June 2014, as well as Eighth Amendment and
7 Fourteenth Amendment violations regarding confiscation of Plaintiff’s property from February
8 2016. (ECF No. 1.) As such, Plaintiff has not alleged any imminent danger of serious physical
9 injury at the time the complaint was filed and has not satisfied the exception from the three strikes
10 bar under 28 U.S.C. § 1915(g). Plaintiff must pay the \$400.00 filing fee if he wishes to litigate
11 this action.

12 Accordingly, the Court HEREBY ORDERS the Clerk of the Court to randomly assign a
13 District Judge to this action.

14 Further, it is HEREBY RECOMMENDED that:

- 15 1. The motion to proceed *in forma pauperis*, (ECF No. 2), be DENIED, pursuant to 28
16 U.S.C. § 1915(g); and
- 17 2. Plaintiff be ORDERED to pay the \$400 initial filing fee in full to proceed with this
18 action.

19 These Findings and Recommendations will be submitted to the United States District
20 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
21 **fourteen (14) days** after being served with these Findings and Recommendations, Plaintiff may
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23 ¹ The Court takes judicial notice of the following United States District Court cases: (1) Favor-El v. Rome, Case No.
24 1:15-cv-01865-LJO-EPG (E.D. Cal.) (dismissed on November 22, 2016 for failure to state a claim); (2) Favor v.
25 State of California, Case No. 2:16-cv-02870-JGB-JEM (C.D. Cal.) (dismissed on May 2, 2016 as frivolous,
malicious, and for failure to state a claim); and (3) Favor-El v. United States of America, Case No. 2:15-cv-01448-
GEB-AC (E.D. Cal.) (dismissed on October 22, 2015 as frivolous).

26 ² See, e.g., Favor v. Monae, Case No. 1:19-cv-00081-LJO-SKO (E.D. Cal.). It is also noteworthy that Plaintiff has
27 been deemed a vexatious litigant, has filed fifty (50) actions in this district alone, and has filed numerous other
28 actions in the other district courts in this state. Plaintiff has also filed actions under the surnames “Favor” and
“Favor-El.”

³ The Court expresses no opinion on the merits of Plaintiff’s claims.

1 file written objections with the court. The document should be captioned “Objections to
2 Magistrate Judge’s Findings and Recommendation.” Plaintiff is advised that the failure to file
3 objections within the specified time may result in the waiver of the “right to challenge the
4 magistrate’s factual findings” on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir.
5 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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7 IT IS SO ORDERED.

8 Dated: September 24, 2019

/s/ Barbara A. McAuliffe
9 UNITED STATES MAGISTRATE JUDGE

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