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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ZURI SANA KABISA YOUNG,
Plaintiff,
v.
STATE OF CALIFORNIA, *et al.*,
Defendants.

Case No. 1:20-cv-00539-JDP
FINDINGS AND RECOMMENDATIONS
DENYING MOTION TO PROCEED IN FORMA
PAUPERIS AND REQUIRING PAYMENT OF
FILING FEE IN FULL WITHIN TWENTY-ONE
DAYS
ECF No. 9
OBJECTIONS DUE WITHIN 14 DAYS
ORDER TO ASSIGN CASE TO DISTRICT
JUDGE

Plaintiff Zuri Sana Kabisa Young is a state prisoner proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. On March 2, 2020, plaintiff filed an application to proceed *in forma pauperis* under 28 U.S.C. § 1915. ECF No. 9.

The Prison Litigation Reform Act provides that “[i]n no event shall a prisoner bring a civil action . . . under this section if the prisoner has, on 3 or more 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.” 28 U.S.C. § 1915(g). Plaintiff has had three or more actions dismissed as frivolous, as malicious, or

1 for failing to state a claim upon which relief maybe granted.¹ Plaintiff has repeatedly been
2 notified that he is subject to § 1915(g).²

3 Plaintiff has not satisfied the imminent danger exception to § 1915(g). *See Andrews v.*
4 *Cervantes*, 493 F.3d 1047, 1053-55 (9th Cir. 2007). In his complaint, plaintiff appears to allege
5 multiple unrelated claims, including that he was subjected to an illegal search and seizure of his
6 property, mail tampering, and a punitive prison transfer. *See* ECF No. 1. Plaintiff does not,
7 however, raise any plausible allegations that he faces imminent danger of serious physical injury.

8 Accordingly, plaintiff's *in forma pauperis* application should be denied, and he should
9 pay the filing fee in full, since he has accrued three or more strikes and was not under imminent
10 danger of serious physical harm at the time this action was initiated. *See* 28 U.S.C. § 1915(g).

11 **Order**

12 The clerk of court is directed to assign this case to a district judge who will review the
13 findings and recommendations.

14 **Findings and Recommendations**

15 Based on the foregoing, it is hereby recommended that:

- 16 1. plaintiff's *in forma pauperis* application, ECF No. 9, be denied;
- 17 2. plaintiff be required to pay the \$400 filing fee in full within twenty-one days of adoption
18 of these findings and recommendations; and
- 19 3. if plaintiff fails to pay the \$400 filing fee in full within twenty-one days of adoption of
20 these findings and recommendations, all pending motions be terminated and this action

21 ¹ *See, e.g., Young v. State of California*, Civil Case No. 2:99-cv-01039-DFL-JFM, 1999 U.S. Dist.
22 LEXIS 24346 (E.D. Cal. Oct. 7, 1999) (dismissing complaint for failing to state a claim); *Young*
23 *v. United States Gov't.*, Civil Case No. 2:02-cv-02940-RT-E, 2002 U.S. Dist. LEXIS 29718
24 (C.D. Cal. Oct. 15, 2002) (adopting findings and recommendations to dismiss complaint for
25 failure to state a claim and as frivolous); *Young v. Sumptner*, Civil Case No. 2:05-cv-03653-
26 CBM-E, 2005 U.S. Dist. LEXIS 51300 (C.D. Cal. Oct. 4, 2005) (dismissing complaint for failing
27 to state a claim).

28 ² *See, e.g., Young v. Williams*, No. 19-55513, 2019 U.S. App. LEXIS 32130 (9th Cir. Oct. 25,
2019) (recognizing that plaintiff "has had three or more prior actions or appeals dismissed as
frivolous, malicious, or for failure to state a claim upon which relief may be granted"); *Young v.*
Moore, No. 3:19-cv-00270-MMA-KSC, 2019 U.S. Dist. LEXIS 34208 (S.D. Cal. Mar. 4, 2019)
(same); *Young v. Paramo*, No. 3:18-cv-2002-LAB-KSC, 2018 U.S. Dist. LEXIS 161181 (S.D.
Cal. Sep. 18, 2018) (same).

1 be dismissed without prejudice.

2 The undersigned submits the findings and recommendations to a district judge under 28
3 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District
4 Court, Eastern District of California. Within fourteen days of the service of the findings and
5 recommendations, plaintiff may file written objections to the findings and recommendations with
6 the court. That document should be captioned “Objections to Magistrate Judge’s Findings and
7 Recommendations.” The district judge will review the findings and recommendations under 28
8 U.S.C. § 636(b)(1)(C).

9
10 IT IS SO ORDERED.

11 Dated: April 20, 2020


UNITED STATES MAGISTRATE JUDGE

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14 No. 204.

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