

1 physical injury.”¹ Plaintiff has previously been notified that he is subject to § 1915(g).²

2 The Court has reviewed Plaintiff’s complaint and finds that his allegations do not satisfy
3 the imminent danger exception to section 1915(g).³ *Andrews v. Cervantes*, 493 F.3d 1047,
4 1053–55 (9th Cir. 2007). In the complaint, which is disjointed and difficult to decipher, Plaintiff
5 primarily alleges that he is being incarcerated unlawfully, should be released onto parole, and
6 should be monetarily compensated for more than 30 years of incarceration. (ECF No. 1.)

7 “Imminent danger of serious physical injury must be a real, present threat, not merely
8 speculative or hypothetical.” *Blackman v. Mjening*, 2016 WL 5815905, at *1 (E.D. Cal. Oct. 4,
9 2016). To meet his burden under § 1915(g), Plaintiff must provide “specific fact allegations of
10 ongoing serious physical injury, or a pattern of misconduct evidencing the likelihood of imminent
11 serious physical injury.” *Martin v. Shelton*, 319 F.3d 1048, 1050 (8th Cir. 2003). “[V]ague and
12 utterly conclusory assertions” of imminent danger or insufficient. *White v. Colorado*, 157 F.3d
13 1226, 1231–32 (10th Cir. 1998).

14 The allegations in the complaint are vague and conclusory, and fail to link any of the
15 named defendants to any particular alleged violation of Plaintiff’s rights. Despite alleging that
16 Defendants’ refusal to release him onto parole amounts to a life sentence and thus constitutes a
17 conspiracy to commit murder by refusing to release Plaintiff from prison, (ECF No. 1, pp. 8–9), at
18 no point does Plaintiff allege that he is at risk of suffering any physical injury.

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20 ¹ The Court takes judicial notice of the following United States District Court cases: (1) *Ruth v. Ransdell*,
21 Case No. 2:99-cv-01205-WBS-GGH (E.D. Cal.) (dismissed on October 28, 1999 as *Heck*-barred on the face of the
22 complaint), see *Washington v. L.A. Cty. Sheriff’s Dep’t*, 833 F.3d 1048, 1057 (9th Cir. 2016) (dismissal of an action
23 as *Heck*-barred, where the suit seeks purely monetary damages, constitutes a PLRA strike); (2) *Ruth v. Dubsky*, Case
24 No. 1:00-cv-06011-OWW-LJO (E.D. Cal.) (dismissed on May 21, 2011 for failure to state a claim); (3) *Ruth v.*
25 *Dysart*, Case No. 2:99-cv-02462-FCD-PAN (E.D. Cal.) (dismissed on July 2, 2001 for failure to state a claim);
26 (4) *Ruth v. Terhune*, Case No. 1:00-cv-07065-AWI-LJO (E.D. Cal.) (dismissed on May 8, 2003 for failure to state a
27 claim).

28 The Court also takes judicial notice of the following United States Court of Appeals case: *Ruth v. United*
States Judicial System, Case No. 20-15230 (9th Cir.) (dismissed on June 23, 2020 as frivolous).

² See, e.g., *Ruth v. Warden*, Case No. 1:21-cv-00040-DAD-EPG (E.D. Cal. April 12, 2021) (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); *Ruth v. State of Cal.*, Case No. 1:22-cv-01166-JLT-EPG (E.D. Cal. Dec. 20, 2022)
(same).

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

