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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	KEVIN MICHAEL LONG,	Case No. 1:23-cv-01117-BAM (PC)	
12 13	Plaintiff,	ORDER DIRECTING CLERK OF COURT TO RANDOMLY ASSIGN DISTRICT JUDGE TO ACTION	
13	v. UNITED STATES, <i>et al.</i> ,	FINDINGS AND RECOMMENDATIONS	
15	Defendants.	RECOMMENDING PLAINTIFF'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS BE DENIED	
16		(ECF No. 2)	
17		FOURTEEN (14) DAY DEADLINE	
18 10	Disintiff Kowin Michael Long ("Disinti	$f^{(2)}$ is a county foil in mote proceeding are so in this	
19 20		ff") is a county jail inmate proceeding <i>pro se</i> in this 2. Plaintiff initiated this action on July 27, 2023	
20 21	civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on July 27, 2023,		
21	together with a motion to proceed <i>in forma pauperis</i> . (ECF Nos. 1, 2.) Plaintiff is subject to 28 U.S.C. § $1015(a)$ subject provides that "[i]n no event shall a		
22	Plaintiff is subject to 28 U.S.C. § 1915(g), which provides that "[i]n no event shall a prisoner bring a civil action under this section if the prisoner has, on 3 or more prior		
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25 26	a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious		
20 27		prisoner is ender miniment danger of serious	
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physical injury."¹

2 The Court has reviewed Plaintiff's complaint and finds that his allegations do not satisfy the imminent danger exception to section 1915(g).² Andrews v. Cervantes, 493 F.3d 1047, 3 1053–55 (9th Cir. 2007). In the complaint, Plaintiff attempts to raise claims against the United 4 5 States, California, Stanislaus County, the city of Modesto, Israel, various churches, the California 6 Secretary of State, all nations of the world, all people of the world, and all Christian churches. 7 (ECF No. 1.) Plaintiff appears to raise claims regarding his arrest for thinking he was the King of 8 Israel and violations of his rights regarding his entitlement to religious tithes from all churches, 9 his attempt to run as a write-in candidate for the United States presidency, and his secession from 10 the United States and formation of his own nation. (*Id.*) "Imminent danger of serious physical injury must be a real, present threat, not merely 11 12 speculative or hypothetical." Blackman v. Mjening, 2016 WL 5815905, at *1 (E.D. Cal. Oct. 4, 13 2016). To meet his burden under § 1915(g), Plaintiff must provide "specific fact allegations of 14 ongoing serious physical injury, or a pattern of misconduct evidencing the likelihood of imminent 15 serious physical injury." Martin v. Shelton, 319 F.3d 1048, 1050 (8th Cir. 2003). "[V]ague and 16 utterly conclusory assertions" of imminent danger or insufficient. White v. Colorado, 157 F.3d 17 1226, 1231–32 (10th Cir. 1998).

The allegations in the complaint disjointed and difficult to decipher at best, and appear to
raise only frivolous allegations. At no point does Plaintiff allege that he is at risk of suffering any
physical injury.

Accordingly, Plaintiff has failed to allege that he was in any imminent danger of serious physical injury at the time the complaint was filed. Plaintiff has not satisfied the exception from the three strikes bar under 28 U.S.C. § 1915(g), and Plaintiff must pay the \$402.00 filing fee if he wishes to litigate this action.

<sup>The Court takes judicial notice of the following United States District Court cases: (1) Long v. USA, Case
No. 1:13-cv-01368-SAB (E.D. Cal.) (dismissed on Sept. 11, 2013 as frivolous); (2) Long v. USA, Case No. 1:13-cv-01228-JLT (E.D. Cal.) (dismissed on Jan. 16, 2014 as frivolous); (3) Long v. Stanislaus Cty. Super. Ct., Case No. 1:13-cv-01370-SAB (E.D. Cal.) (dismissed on May 1, 2014 for failure to state a claim); (4) Long v. USA California, Case No. 1:13-cv-01256-GSA (E.D. Cal.) (dismissed on June 23, 2014 for failure to state a claim).</sup>

^{28 &}lt;sup>2</sup> The Court expresses no opinion on the merits of Plaintiff's claims.

1	Accordingly, the Court HEREBY ORDERS the Clerk of the Court to randomly assign a		
2	District Judge to this action.		
3	Further, it is HEREBY RECOMMENDED that:		
4	1. The motion to proceed in forma pauperis, (ECF No. 2), be DENIED, pursuant to 28	I	
5	U.S.C. § 1915(g); and		
6	2. Plaintiff be ORDERED to pay the \$402.00 initial filing fee in full to proceed with this		
7	action.		
8	* * *		
9	These Findings and Recommendations will be submitted to the United States District		
10	Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within		
11	fourteen (14) days after being served with these Findings and Recommendations, Plaintiff may		
12	file written objections with the court. The document should be captioned "Objections to		
13	Magistrate Judge's Findings and Recommendation." Plaintiff is advised that the failure to file		
14	objections within the specified time may result in the waiver of the "right to challenge the		
15	magistrate's factual findings" on appeal. <i>Wilkerson v. Wheeler</i> , 772 F.3d 834, 839 (9th Cir. 2014)		
16	(citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).		
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18	IT IS SO ORDERED.	1	
19	Dated: July 28, 2023 /s/ Barbara A. McAuliffe	I	
20	UNITED STATES MAGISTRATE JUDGE	I	
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