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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK SCOTT,

Plaintiff,

No. CIV S-06-0784 MCE DAD P

vs.

SACRAMENTO SUPERIOR  
COURT, et al.,

Defendants.

ORDER

\_\_\_\_\_  
Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not paid the \$350.00 filing fee or filed an application to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a) & 1915(a). Plaintiff will be granted thirty days to pay the filing fee or submit a properly completed in forma pauperis application.

After plaintiff has paid the filing fee or submitted a properly completed in forma pauperis application, the court will screen plaintiff's complaint. The undersigned notes that plaintiff has filed at least sixteen cases in the United States District Court for the Eastern District of California in the past six years, and it appears that plaintiff has previously sued all of the defendants in this case at least once. Plaintiff is cautioned that sanctions may be imposed if the claims in this action are the same frivolous claims against Methodist Hospital, the Superior Court, and various attorneys that have previously been dismissed for failure to state a § 1983

1 claim upon which relief may be granted. See Scott v. Methodist Hospital, et al., case No. CIV S-  
2 02-0042 DFL PAN PS (dismissed July 5, 2002, as frivolous and for failure to state a claim);  
3 Scott v. Superior Court, et al., case No. CIV S-02-1912 FCD JFM P (dismissed February 18,  
4 2003, on Younger and Heck grounds); Scott v. Methodist Hospital, et al., case No. CIV S-03-  
5 0259 GEB DAD P (dismissed April 25, 2003, as frivolous and for failure to state a claim); Scott  
6 v. Barry & Randolph, case No. CIV S-03-1276 FCD KJM PS (voluntarily dismissed July 10,  
7 2003); Scott v. Sacramento Superior Court, et al., case No. CIV S-04-2742 DFL JFM P  
8 (dismissed June 14, 2005, for failure to state a claim).

9 Plaintiff is further cautioned that a prisoner may not bring a civil action or appeal  
10 a civil judgment under 28 U.S.C. 1915

11 if the prisoner has, on 3 or more prior occasions, while incarcerated  
12 or detained in any facility, brought an action or appeal in a court of  
13 the United States that was dismissed on the grounds that it is  
14 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.

15 28 U.S.C. § 1915(g). It appears that plaintiff may have already suffered two strikes for purposes  
16 of § 1915(g). If this case proves to be his third strike, plaintiff will be unable to bring any  
17 additional cases in forma pauperis unless he is under imminent danger of serious physical injury.

18 IT IS ORDERED that:

19 1. Plaintiff shall submit, within thirty days from the date of this order, either the  
20 \$350.00 filing fee or a properly completed application to proceed in forma pauperis on the form  
21 provided with this order; plaintiff's failure to comply with this order will result in a  
22 recommendation that this action be dismissed; and

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2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In Forma Pauperis By a Prisoner for use in a civil rights case.

DATED: April 25, 2006.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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