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

10 MARVIN HARRIS,

11 Plaintiff,

No. CIV S-09-1817 DAD P

12 vs.

13 C. REYNOLDS, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner who is proceeding pro se with a civil rights action
17 pursuant to 42 U.S.C. § 1983. On March 22, 2010, the court ordered plaintiff to show cause why
18 his application to proceed in forma pauperis should not be denied pursuant to 28 U.S.C. §
19 1915(g). On April 16, 2010, plaintiff filed his response to the order to show cause.¹

20 Plaintiff was advised that under § 1915(g), he may not proceed in forma pauperis
21 if on three or more prior occasions he brought actions that were dismissed on the grounds that it
22 was frivolous, malicious, or failed to state a claim, unless he could show that he was under

23 /////

24 _____
25 ¹ Plaintiff's response includes a form complaint for a § 1983 action which has been
26 titled, "First Amended Complaint," a document styled "Order," memorandum of points and
authorities, and a copy of a prison rule violation report issued against him for refusing to work.
(See Doc. No. 8.)

1 “imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). Plaintiff has chosen not to
2 address this issue. Instead, plaintiff merely argues that he has suffered copyright infringement.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff’s July 2, 2009 application to proceed in forma pauperis (Doc. No. 3)
5 is denied;

6 2. Within twenty-one days from the date of this order, plaintiff shall pay the
7 \$350.00 filing fee in full; and

8 3. Plaintiff’s failure to pay the filing fee will result in a recommendation that this
9 action be dismissed without prejudice.

10 DATED: June 22, 2010.

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13 _____
14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

13 DAD:4
14 harr1817.ord.fee