

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MARVIN HARRIS,

11 Plaintiff,

No. CIV S-09-1818 DAD P

12 vs.

13 G. BROOKS, 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 a 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 is under

23 /////

24 _____
25 ¹ Plaintiff's response includes the a form complaint for a § 1983 action which has been
26 titled, "First Amended Complaint," a document styled "Order," copies of regulations, trust
account statements, inmate appeal form, inmate job description, a prison rules violation report
issued against him, and administrative appeal decisions. (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 argues the merits of his civil rights claim.

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.

11
12 
13 _____
14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

13 DAD:4
14 harr1818.ord.fee