

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

MARVIN HARRIS,

Plaintiff, No. CIV S-09-1818 DAD P

VS.

G. BROOKS, et al.,

Defendants. ORDER

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

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

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<sup>1</sup> Plaintiff's response includes the a form complaint for a § 1983 action which has been 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.

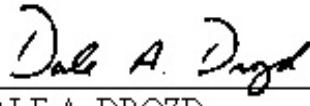
3 Accordingly, IT IS HEREBY ORDERED that:

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.

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13 DALE A. DROZD  
14 UNITED STATES MAGISTRATE JUDGE  
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