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

WILLIE WEAVER,

Plaintiff,

No. CIV S-11-2126 GGH P

vs.

GUY GILLEN,

Defendant.

ORDER

_____ /

Plaintiff, proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is a former state prisoner, who may be on parole but has listed Sacramento County Jail as his address.

Review of court records reveals that on at least three occasions prior to the filing of this action, lawsuits filed by plaintiff in this district were dismissed on the grounds that they were frivolous or malicious or failed to state a claim upon which relief may be granted.¹ See Order filed April 20, 2007 in Weaver v. California Correctional Institution Building A-4A-4, et al., No. 1:06-cv-1429 OWW-SMS P (E.D. Cal.), slip op. at 4 and cases cited therein at 1 n.1. Plaintiff is therefore precluded from proceeding in forma pauperis in this action unless plaintiff is

¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). Plaintiff has not
2 alleged any facts which suggest that he is under imminent danger of serious physical injury.²
3 Thus, plaintiff must pay the filing fee in order to proceed with this case.

4 In accordance with the above, IT IS HEREBY ORDERED that:

5 1. Plaintiff shall submit, within twenty-one days from the date of this order, the
6 \$350.00 filing fee for this action; and

7 2. Plaintiff’s failure to comply with this order will result in a recommendation
8 that this action be dismissed.

9 DATED: September 20, 2011

10 /s/ Gregory G. Hollows
11 UNITED STATES MAGISTRATE JUDGE

12 GGH: AB
13 weav2126.fee

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² Plaintiff alleges that he was released from prison and was sent to Union Gospel Mission, instead of a halfway house and this has violated his rights.