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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLETE REO HART,  
Plaintiff,  
v.  
J. KLOPH, et al.,  
Defendants.

No. 2:14-cv-0101 MCE CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983 along with an application to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a).

Court records indicate that plaintiff is a “three strikes” litigant pursuant to 28 U.S.C. §1915(g). In Hart v. California Medical Facility, 2:13-cv-1961 MCE EFB P (E.D. Cal.), the district court on November 6, 2013 denied plaintiff’s request to proceed in forma pauperis, adopting findings that the following actions constituted “strikes”:

(1) Hart v. Trust Account Office, 2:05-cv-1668 FCD DAD P (dismissed July 14, 2006 as duplicative and frivolous<sup>1</sup>);

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<sup>1</sup> See 2:13-cv-1961 MCE EFB P, ECF No. 9 at 2, n.1 (action dismissed as duplicative was also frivolous and constituted “strike”).

1 (2) Hart v. Bigney, 2:05-cv-2063 MCE DAD P (dismissed July 17, 2006 as frivolous and  
2 for failure to state a claim); and

3 (3) Hart v. CMF, 2:06-cv-0470 LKK KJM P (dismissed January 26, 2007 as frivolous).

4 Having independently reviewed the records of these actions, the undersigned agrees that  
5 all three dismissals were “strikes.” Moreover, plaintiff’s allegations in the instant complaint do  
6 not suggest that he is imminent danger of serious physical harm.

7 Accordingly, IT IS HEREBY ORDERED that plaintiff shall submit, within thirty days  
8 from the date of this order, the \$400 filing fee for this action. Plaintiff’s failure to comply with  
9 this order will result in a recommendation that this action be dismissed.

10 Dated: January 29, 2014



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12 CAROLYN K. DELANEY  
13 UNITED STATES MAGISTRATE JUDGE

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