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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ASKIA ASHANTI,
Plaintiff,
v.
BARACK OBAMA, et al.,
Defendants.

No. 2: 14-cv-1644 KJN P

ORDER

Plaintiff, a state prisoner proceeding without counsel, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of the undersigned. (ECF No. 6.)

Plaintiff seeks leave to proceed in forma pauperis. See 28 U.S.C. § 1915(a). For the following reasons, plaintiff's application to proceed in forma pauperis is denied and plaintiff is ordered to pay the filing fee.

A prisoner may not proceed in forma pauperis,

If the prisoner has, on 3 or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g).

1 On at least three prior occasions, plaintiff has brought actions while incarcerated that were
2 dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted.
3 See Order filed May 17, 1999, in Ashanti v. Daniel, No. CIV S-98-2145 WBS JFM P (E.D.Cal.);
4 Order filed March 1, 2000, in Ashanti v. Whitfield, No. CIV S-00-0086 DFL JFM P (E.D. Cal.);
5 and Order filed June 7, 2000, in Ahanti v. Amer. Tobacco, No. CIV S-00-0706 LKK JFM P (E.D.
6 Cal.). The Ninth Circuit affirmed the district court's judgments in all three of these cases.

7 For the following reasons, the undersigned finds that plaintiff does not meet the imminent
8 danger exception to 28 U.S.C. § 1915(g).

9 On July 11, 2014, plaintiff opened this action by filing a pleading that was not on a
10 complaint or a habeas corpus form. (ECF No. 1.) The gravamen of this pleading appeared to be
11 plaintiff's claim that he was falsely accused by prison officials of possessing drugs. (Id. at 5.) On
12 July 24, 2014, the undersigned issued an order advising plaintiff that in order to commence an
13 action, he must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure.
14 (ECF No. 3.) The undersigned ordered that plaintiff's July 11, 2014 pleading was disregarded
15 and granted plaintiff thirty days to file a complaint. (Id.)

16 In the complaint filed October 1, 2014, plaintiff again alleges that he was falsely accused
17 by prison officials of possessing drugs. (ECF No. 13.) Because plaintiff does not allege in either
18 his July 11, 2014 pleading or the October 1, 2014 complaint that he is under imminent danger of
19 serious physical injury, the undersigned finds that he does not meet the imminent danger
20 exception to 28 U.S.C. § 1915(g). Accordingly, plaintiff's application to proceed in forma
21 pauperis is denied. Plaintiff is granted thirty days to pay the filing fee.

22 Also pending are plaintiff's motions to substitute parties. (ECF Nos. 4, 7.) These motions
23 are denied without prejudice to their reinstatement following plaintiff's payment of the filing fee.

24 Accordingly, IT IS HEREBY ORDERED that:

25 1. Plaintiff's application to proceed in forma pauperis (ECF No. 5) is denied; plaintiff
26 shall pay the filing fee within thirty days of the date of this order; failure to pay the filing fee will
27 result in the dismissal of this action;

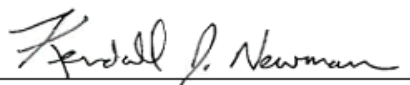
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2. Plaintiff's motions for substitution of parties (ECF Nos. 4 and 7) are denied without prejudice.

Dated: October 15, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE