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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE WEAVER,  
Plaintiff,  
v.  
GUY GILLEN, et al.,  
Defendants.

No. 2:14-cv-1652 JAM CKD P

ORDER

Plaintiff is a California prisoner proceeding pro se. He has filed a complaint asserting claims under 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis.

Title 28 U.S.C. § 1915(g) reads as follows:

In no event shall a prisoner bring a civil action . . . [in forma pauperis] if the prisoner has, on 3 or more prior 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.

Plaintiff has had at least three actions dismissed for failure to state a claim in this court: 1:06-cv-0671 OWW SMS P; 1:06-cv-0775 OWW LJO P; 1:06-cv-0863 OWW SMS P. Plaintiff was a prisoner when he filed these actions. In his complaint, plaintiff does not allege he is “under imminent danger of serious physical injury.”

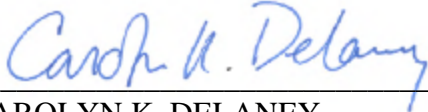
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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to proceed in forma pauperis (ECF No. 6) is denied; and
2. Plaintiff shall pay the \$400 filing fee for this action within 30 days. Failure to pay the filing fee within 30 days will result in a recommendation that is action be dismissed without prejudice

Dated: October 8, 2014

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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