1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ISARAEL MALDONADO-RAMIREZ, No. 2:15-cv-1632 JAM AC P (TEMP) 12 Plaintiff. 13 v. **ORDER** 14 BARACK OBAMA, 15 Defendant. 16 17 Plaintiff is a state prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. 18 § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This 19 proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). 20 Plaintiff has submitted a properly-completed application to proceed in forma pauperis. 21 (ECF No. 2.) The court will nevertheless deny plaintiff leave to so proceed, as review of court 22 records reveals that, on at least five prior occasions, lawsuits filed by plaintiff have been 23 dismissed on the grounds that they failed to state a claim upon which relief may be granted: 24 1. Maldonado v. Facility 4A Medical, No. 1:12-cv-01330-AWI-SAB (E.D. Cal.). 25 On January 15, 2014, findings and recommendations issued, recommending that 26 the action be dismissed for failure to obey a court order and for failure to state a 27 claim upon which relief may be granted. On April 4, 2014, the findings and 28 recommendations were adopted in full. 1

- 2. <u>Maldonado v. Superior Court Kern County</u>, No. 1:12-cv-01467-AWI-JLT (E.D. Cal.). On February 20, 2013, findings and recommendations issued, recommending that the action be dismissed for failure to state a claim upon which relief may be granted. On March 14, 2013, the findings and recommendations were adopted in full.
- 3. <u>Maldonado v. Shafter-Wasco North Division</u>, No. 1:12-cv-01586-LJO-GBC (E.D. Cal.). On November 6, 2012, findings and recommendations issued, recommending that the action be dismissed for failure to state a claim upon which relief may be granted. On November 27, 2012, the findings and recommendations were adopted in full.
- 4. <u>Maldonado v. Facility 4A Building 8 Staff</u>, 1:12-cv-01630-DLB (E.D. Cal.). On June 24, 2013, an order issued dismissing the action for failure to obey a court order and for failure to state a claim upon which relief may be granted.
- 5. <u>Maldonado v. Committee Counsel Wasco R/C</u>, No. 1:12-cv-01670-SAB (E.D. Cal.). On January 15, 2014, an order issued dismissing the action for failure to obey a court order and for failure to state a claim upon which relief may be granted.

Because plaintiff 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," plaintiff is precluded from proceeding in forma pauperis in this action unless plaintiff is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

In the operative complaint, plaintiff alleges the existence of a "federal corpus blue print" granting plaintiff a "federal release." (ECF No. 1 at 3.) According to the complaint, President Barack Obama, the sole named defendant in this action, keeps the "blue print" at the White House and has to date refused to enforce the "federal release." (Id.) Plaintiff alleges that he has suffered consequent mental and emotional anguish, which in turn caused him to kick and shout, eventually resulting in his placement in an isolated cell. (Id. at 4.) Plaintiff seeks immediate release and

damages for the time he has been unlawfully imprisoned. (Id. at 3.) Plaintiff has not alleged any facts which suggest that he is under imminent danger of serious physical injury. Thus, plaintiff must submit the appropriate filing fee in order to proceed with this action. In accordance with the above, IT IS HEREBY ORDERED that plaintiff shall submit, within twenty-one days from the date of this order, the appropriate filing fee. Plaintiff's failure to comply with this order will result in a recommendation that this action be dismissed. DATED: November 16, 2015 UNITED STATES MAGISTRATE JUDGE