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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL DIAZ,
Plaintiff,
v.
ASSOCIATE WARDEN HURLEY, et al.,
Defendants.

No. 2:15-cv-2083 GEB KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983, and sought leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

Review of court records reveals that on at least three occasions lawsuits filed by the plaintiff have been dismissed on the grounds that they were frivolous or malicious or failed to state a claim upon which relief may be granted:

Diaz v. Vasquez, No. 1:12-cv-0732 SAB dismissed February 25, 2013, for failure to state a claim;

Diaz v. R. Diaz, No. 1:12-cv-1296 AWI SAB, dismissed September 4, 2014, for failure to state a claim; and

Diaz v. R. Diaz, No. 1:13-cv-0453 SKO, dismissed July 28, 2014, for failure to state a claim.

1 On December 19, 2007, plaintiff's appeal from Diaz v. State of California, No. 2:04-cv-
2 2375 MCE JFM, was dismissed as not taken in good faith.¹

3 Plaintiff is therefore precluded from proceeding in forma pauperis in this action unless
4 plaintiff is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). Plaintiff
5 has not alleged any facts which suggest that he is under imminent danger of serious physical
6 injury. Thus, plaintiff must submit the appropriate filing fee in order to proceed with this action.

7 In accordance with the above, IT IS HEREBY ORDERED that plaintiff shall submit,
8 within twenty-one days from the date of this order, the appropriate filing fee. Plaintiff's failure to
9 comply with this order will result in a recommendation that this action be dismissed.

10 Dated: October 21, 2016

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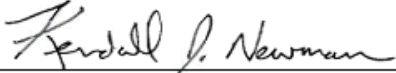
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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

¹ In addition, in Diaz v. Sherman, No. 1:13-cv-1627 LJO MJS, plaintiff's in forma pauperis status was revoked on August 5, 2016.