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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SEAVON PIERCE,
Plaintiff,
v.
PRISON LAW CLINIC, et al.,
Defendants.

No. 2:15-cv-2692 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff seeks leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. ECF No. 2.

The Prison Litigation Reform Act of 1995 (PLRA) permits any court of the United States to authorize the commencement and prosecution of any suit without prepayment of fees by a person who submits an affidavit indicating that the person is unable to pay such fees; however,

[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section 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.

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1 28 U.S.C. § 1915(g). The court takes judicial notice¹ of the following lawsuits previously filed
2 by plaintiff:

- 3 (1) Pierce v. California State, 2:12-cv-9211 UA CW (C.D. Cal. Nov. 20, 2012), dismissed
4 as frivolous, malicious or fails to state a claim upon which relief may be granted. Id.,
5 ECF No. 5.
- 6 (2) Pierce v. Gonzales, 1:10-cv-0285 JLT (E.D. Cal. Dec. 3, 2012), dismissed for failure
7 to state a claim upon which relief may be granted. Id., ECF No. 27.
- 8 (3) Pierce v. Unknown, 1:15-cv-00650 DAD DLB (E.D. Cal. Dec, 1, 2015), dismissed for
9 failure to state a claim upon which relief may be granted. Id., ECF No. 38.

10 The court’s review of the above records reveals that on at least three occasions, lawsuits
11 filed by plaintiff have been dismissed on the grounds that they were frivolous or malicious or
12 failed to state a claim upon which relief may be granted. Therefore, this court finds that plaintiff
13 is precluded from proceeding in forma pauperis in this action unless plaintiff is “under imminent
14 danger of serious physical injury.” 28 U.S.C. § 1915(g). To meet the exception, plaintiff must
15 have alleged facts that demonstrate that he was “under imminent danger of serious physical
16 injury” at the time of filing the complaint. Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir.
17 2007) (holding that “it is the circumstances at the time of the filing of the complaint that matters
18 for purposes of the ‘imminent danger’ exception under § 1915(g).”).

19 Plaintiff has not alleged any facts which suggest that he is under imminent danger of
20 serious physical injury. In his complaint, plaintiff names as defendants the Prison Law Clinic at
21 the University of California-Davis School of Law, the Coalition for Women Prisoners, Amnesty
22 International, Business Wire, the Washington Internet Daily, and the International Herald
23 Tribune. See ECF No. 1 at 1. His allegations against these defendants are difficult to discern.
24 He claims, with no explanation, that: (1) he is a protected class member; (2) that an unspecified
25 appeals process has been ‘falsified’; and (3) that ‘the Riverside Court’ and Riverside District
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27 ¹ Judicial notice may be taken of court records. Valerio v. Boise Cascade Corp., 80
28 F.R.D. 626, 635 n.1 (N.D. Cal. 1978), aff’d, 645 F.2d 699 (9th Cir.), cert. denied, 454 U.S. 1126
(1981).


1 Attorney have entered into an agreement to conceal unspecified evidence. Id. at 2. None of these
2 allegations, or any other information in the complaint, indicate that he is in imminent danger of
3 physical injury.

4 Because the court finds that plaintiff has not made the requisite showing of “imminent
5 danger” to qualify for an exception to the “three strikes” bar under 1915(g), plaintiff will be
6 denied in forma pauperis status and be required to pay the full filing fee in order to proceed with
7 this action.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff’s request to proceed in forma pauperis (ECF No. 2) is denied;
- 10 2. Plaintiff is required to pay the filing of \$400.00 in full within twenty-one (21) days of
11 this order’s entry; and
- 12 3. Failure to pay the filing fee as directed will result in a recommendation that this action
13 be dismissed.

14 DATED: May 10, 2017

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16 ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE
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