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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

J.L. HOWZE,
Plaintiff,
v.
RICK MALMENDIER, et al.,
Defendants.

No. 2:16-cv-1737 GEB KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983, and was granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 on May 3, 2017. 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:

1. Howze v. Vela, Case No. CV-13-1610 UA (RZ) (C.D. Cal. March 19, 2013) (the action was “frivolous, malicious or fails to state a claim upon which relief may be granted,” citing 28 U.S.C. § 1915(g), “leave to amend would be futile.”).


2. Howze v. Vela, Case No. 13-56019 (9th Cir. Jun. 12, 2013) (found appeal to be frivolous and denied request to proceed in forma pauperis).

1 3. Howze v. Tanaka, Case No. 2:13-cv-4422 UA (RZ) (C.D. Cal. July 15, 2013) (denied
2 in forma pauperis status because the action was “frivolous, malicious or fails to state a claim upon
3 which relief may be granted.”).

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

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

11 Dated: August 30, 2017

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13 _____
14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

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