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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY R. TURNER,  
Plaintiff,  
v.  
D. BARRER, et al.,  
Defendants.

No. 2:16-cv-2251 TLN CKD P

ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. Plaintiff has not paid the \$400 filing fee for this action, nor submitted an application to proceed in forma pauperis. Because plaintiff is not eligible to proceed in forma pauperis, plaintiff will be required to pay the \$400 filing fee within fourteen days.

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.

After reviewing the numerous cases filed by plaintiff in this court, the court finds at least three 1915(g) “strikes:”

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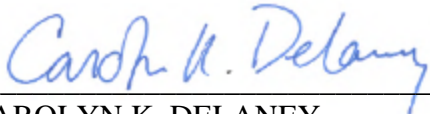
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1. 2:08-cv-2087 EFB P, dismissed on December 7, 2010 for failure to state a claim.
2. 2:10-cv-2369 MCE EFB P, dismissed on July 9, 2012 for failure to state a claim.<sup>1</sup>
3. 1:11-cv-1395 GBC P, dismissed on April 13, 2012 for failure to state a claim.

As for “imminent danger of serious physical injury,” plaintiff does challenge the medical care he is receiving for various ailments and injuries. However, plaintiff does not point to facts suggesting a serious physical injury which could be prevented by proper medical care not being provided to plaintiff is imminent.

Accordingly, IT IS HEREBY ORDERED that plaintiff is granted fourteen days within which to pay the \$400 filing fee for this action. Failure to pay the filing fee within fourteen days will result in a recommendation that this action be dismissed.

Dated: October 18, 2016

  
\_\_\_\_\_  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> turn2251.pay

<sup>1</sup> Plaintiff was given an opportunity in this action to cure the deficiencies in his pleadings by way of an amended complaint, but plaintiff chose not to amend.