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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TROY ANDERSON,
Plaintiff,
v.
SCOTT KERNAN, et al.,
Defendants.

No. 2:16-cv-2852 CKD P

ORDER

Plaintiff is a California prisoner proceeding pro se with a civil action. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and plaintiff has consented to have all matters in this action before a United States Magistrate Judge. See 28 U.S.C. § 636(c).

Plaintiff has requested leave to proceed in forma pauperis. However, on September 24, 2014, in Anderson v. Peterson, No. 14-16186, the Ninth Circuit recognized that plaintiff has “struck out” under 28 U.S.C. 1915(g) and therefore cannot proceed in forma pauperis in a civil action in this court unless he alleges he is under imminent danger of serious physical injury.¹ Plaintiff makes no such allegation in his complaint.²

¹ The mandate was issued in case No. 14-16186 on October 21, 2014.

² Plaintiff does not seek injunctive relief in his complaint. Rather he seeks damages for past wrongs. In any case, plaintiff is currently housed at Salinas Valley State Prison which lies within

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 2) is denied.
2. 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 dismissal.

Dated: May 17, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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the jurisdiction of the United States District Court for the Northern District of California. If plaintiff were to seek injunctive relief concerning an imminent danger of serious physical injury, he most likely would need to commence an action in the Northern District.