

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE WEAVER,
Plaintiff,
v.
KENDAL, et al.,
Defendants.

No. 2:17-cv-0813 JAM 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).


Plaintiff has not paid the \$400 filing fee for this action and he is precluded from proceeding in forma pauperis under 28 U.S.C. § 1915(g).¹ Good cause appearing, the court will grant plaintiff 14 days within which to pay the filing fee. If plaintiff fails to pay the filing fee within 14 days the court will recommend that this action be dismissed.

¹ The court has disposed of approximately 200 cases filed by plaintiff since 2004. As plaintiff knows well by now, he has “struck out” under 28 U.S.C. § 1915(g). Plaintiff was last identified as a “three strikes” litigant on June 27, 2016 in Weaver v. Sacramento Police Dep’t, 2:15-cv-1832 GEB AC P. Being a “three strikes” litigant, plaintiff may only proceed in forma pauperis if he alleges he is under imminent danger of serious physical injury in his pleadings. In his complaint, plaintiff alleges he is “having problems with his single cell status.” However, he does not allege that he is currently being housed with another inmate, he does not seek injunctive relief (only damages) and he does not adequately explain why his having a cellmate amounts to, per se, imminent danger of serious physical injury.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: May 22, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

1
weav0957.3ks