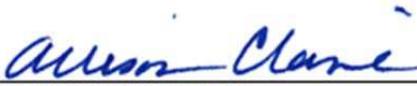


1 with his complaint) indicates that he was housed at the California Substance Abuse Treatment
2 Facility and State Prison, and not Mule Creek, at the time he filed this suit. See ECF No. 2. It is
3 true that the events giving rise to this suit allegedly occurred at Mule Creek, but this has no
4 applicability to the question of whether plaintiff was in imminent danger at the time this suit was
5 filed. See Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007) (holding that availability
6 of imminent danger exception “turns on the conditions a prisoner faced at the time the complaint
7 was filed, not at some earlier or later time.”). Second, it is unclear why proceeding to discovery
8 would be necessary to make a showing of imminent danger. Plaintiff is not required to prove his
9 allegations of imminent danger or support them with concrete evidence at the time he seeks leave
10 to proceed in forma pauperis. Id. (“[T]he issue [under § 1915(g)] is whether his complaint, as a
11 whole, *alleges* imminent danger of serious physical injury.”) (quoting Brown v. Johnson, 387
12 F.3d 1344, 1350 (11th Cir. 2004)) (emphasis added). It is enough to state his allegations of
13 imminent danger specifically and unambiguously – something plaintiff has not done in either his
14 motion for reconsideration or his complaint.

15 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for reconsideration (ECF
16 No. 10) is DENIED.

17 DATED: July 11, 2017

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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