

1 Dist. LEXIS 129994 (E.D. Cal. Sep. 22, 2016).


2 Plaintiff would still be entitled to proceed in forma pauperis if his complaint indicated that
3 he was in imminent danger of serious physical injury. 28 U.S.C. § 1915(g); Andrews v.
4 Cervantes, 493 F.3d 1047, 1049-1050 (9th Cir. 2007). His allegations do not indicate such
5 danger, however. Instead, he claims that: (1) the defendant falsely accused him of a sex act; (2)
6 this false accusation resulted in his “shame, humiliation, and belittlement”;¹ and (3) he was
7 denied due process rights with respect to his “CDCR 115 reports.” ECF No. 1 at 3-5.

8 In light of the foregoing, plaintiff’s request to proceed in forma pauperis will be denied.
9 Plaintiff will be granted thirty days to pay the filing fee for this action. If he fails to do so, this
10 action may be dismissed.

11 Accordingly, it is ORDERED that:

- 12 1. Plaintiff’s request for leave to proceed in forma pauperis (ECF No. 2) is denied;
 - 13 2. Plaintiff is granted thirty days within which to pay the \$400 filing fee for this action.
- 14 Failure to pay the filing fee within thirty days will result in a recommendation that this action be
15 dismissed.

16 DATED: June 12, 2017

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18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE

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27 ¹ Plaintiff does allege that he was almost “assaulted or killed” as a result of defendant’s
28 accusation. ECF No. 1 at 4. He provides no detail as to the nature of this assault, nor does he
offer any specific allegation that he is in danger of being assaulted in the future. These claims are
insufficient to give rise to an inference that plaintiff is in imminent physical danger.