



1 malicious, or failed to state a claim upon which relief may be granted.

2 As a result, plaintiff is precluded from proceeding in forma pauperis in this action unless  
3 he demonstrates that he was “under imminent danger of serious physical injury” at the time he  
4 filed his complaint. See 28 U.S.C. § 1915(g); Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th  
5 Cir. 2007). The danger must be real and proximate, Ciarpaglini v. Saini, 352 F.3d 328, 330 (7th  
6 Cir. 2003), and ongoing, Andrews, 493 F.3d at 1056. Allegations that are overly speculative or  
7 fanciful may be rejected. Id. at 1057 n.11. Absent a showing that plaintiff was under imminent  
8 danger of serious physical injury at the time he filed his complaint, he may proceed in this action  
9 only if he first pays the full filing fee (\$400.00).

10 Plaintiff is currently incarcerated at California State Prison Sacramento (CSP-SAC). The  
11 instant complaint, signed and submitted by plaintiff on July 23, 2017, names the following  
12 defendants: CSP-SAC Correctional Officers Thao and Williams, Third Watch Sergeant (on 7-19-  
13 17) and Third Watch Lieutenant (on 7-19-17). The complaint alleges that plaintiff should be on a  
14 single cell status and that correctional officers “cannot take [his] property because of refusing a  
15 celly [sic].” ECF No. 1 at 3, 4. Plaintiff avers that he “faces a substantial risk of serious harm  
16 and injury here which is imminent at the time of filing [sic].” Id. at 3. Plaintiff contends that  
17 defendants “should be reprimanded” and he seeks \$3 million compensatory damages and \$2  
18 million punitive damages. Id.

19 These allegations fail to demonstrate that plaintiff was under imminent danger of serious  
20 physical injury when defendant Kendall made the alleged statement. Therefore, plaintiff must  
21 submit the full filing fee in order to proceed with this action.

22 Accordingly, IT IS HEREBY ORDERED that plaintiff shall, within fourteen (14) days  
23 after service of this order, submit the full filing fee of \$400.00. No extensions of time will be  
24 granted. Plaintiff’s failure to comply with this order will result in a recommendation that this  
25 action be dismissed.

26 DATED: August 16, 2017

27   
28 ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE