UNITED STATE	S DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA	
AARON LAMONT STRIBLING,	No. 2:18-cv-0870-EFB P
Plaintiff,	
v.	ORDER AND FINDINGS AND RECOMMENDATIONS
BRITTON,	<u>RECOMMENDATIONS</u>
Defendant.	
Plaintiff, a state prisoner proceeding without counsel in an action brought under 42 U.S.C.	
§ 1983, seeks leave to proceed in forma pauperis. See 28 U.S.C. § 1915(a). For the reasons	
stated below, the court finds that plaintiff has not demonstrated he is eligible to proceed in forma	
pauperis.	
A prisoner may not proceed in forma pauperis:	
if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was	
dismissed on the grounds that it is frivolous, malicious, or fails to state a claim	
serious physical injury.	ess the prisoner is under imminent danger of
28 U.S.C. § 1915(g). Court records reflect that on at least three prior occasions, plaintiff has	
brought actions while incarcerated that were dismissed as frivolous, malicious, or for failure to	
state a claim upon which relief may be granted. See (1) Stribling v. Defazio, No. 2:12-cv-2729-	
JAM-EFB (E.D. Cal.), ECF No. 14 (Septembe	r 5, 2013 order dismissing action for failure to
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	FOR THE EASTERN D AARON LAMONT STRIBLING, Plaintiff, v. BRITTON, Defendant. Plaintiff, a state prisoner proceeding with § 1983, seeks leave to proceed in forma pauper stated below, the court finds that plaintiff has re pauperis. A prisoner may not proceed in forma p if the prisoner has, on 3 or more prior of any facility, brought an action or appear dismissed on the grounds that it is frivo upon which relief may be granted, unle serious physical injury.

1	prosecute and failure to state a claim); (2) Stribling v. Tobias, No. 2:16-cv-00399-MCE-EFB
2	(E.D. Cal.), ECF No. 17 (September 2, 2016 order dismissing action for failure to prosecute and
3	failure to state a claim); and (3) Stribling v. Chooljian, No. 2:18-cv-00266-CAS-FFM (C.D. Cal.),
4	ECF No. 5 (January 17, 2018 order dismissing action as frivolous, failing to state a claim, and
5	seeking monetary relief from a defendant immune from such relief).
6	The section 1915(g) exception applies if the complaint makes a plausible allegation that
7	the prisoner faced "imminent danger of serious physical injury" at the time of filing. 28 U.S.C.
8	§ 1915(g); Andrews v. Cervantes, 493 F.3d 1047, 1055 (9th Cir. 2007). In this case, plaintiff
9	alleges that on three occasions in 2016, a correctional officer improperly handled his legal mail.
10	ECF No. 1 at 4. These allegations do not demonstrate that plaintiff was under an imminent
11	danger of serious physical injury when he filed this action on April 10, 2018. Plaintiff's
12	application for leave to proceed in forma pauperis must therefore be denied pursuant to § 1915(g).
13	Plaintiff must submit the appropriate filing fee in order to proceed with this action.
14	Accordingly, IT IS HEREBY ORDERED that the Clerk randomly assign a United States
15	District Judge to this action.
16	Further, because plaintiff has not paid the filing fee and is not eligible to proceed in forma
17	pauperis, IT IS HEREBY RECOMMENDED that:
18	1. Plaintiff's application to proceed in forma pauperis (ECF No. 4) be denied; and
19	2. Plaintiff be ordered to pay the \$400 filing fee within fourteen days from the date of any
20	order adopting these findings and recommendations and be warned that failure to do so will result
21	in the dismissal of this action.
22	These findings and recommendations are submitted to the United States District Judge
23	assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
24	after being served with these findings and recommendations, any party may file written
25	objections with the court and serve a copy on all parties. Such a document should be captioned
26	"Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
27	/////
28	////

within the specified time may waive the right to appeal the District Court's order. *Turner v.* Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). Dated: May 2, 2018. 15 mm EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE