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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEXTER BROWN,

 Plaintiff,

 v.

UNITED STATES, et al.,

 Defendants.

No. 2:18-cv-1719 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 requested leave to proceed in forma pauperis. However, plaintiff has been found to have “struck out” under 28 U.S.C. § 1915(g)¹ and plaintiff fails to point to facts which adequately demonstrate he is under imminent danger of serious physical injury.²

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¹ See 2:17-cv-2041 KJM AC, ECF No. 14.

² To meet his burden under § 1915(g) to adequately allege “imminent danger of serious physical injury,” plaintiff must provide “specific fact allegations of ongoing serious physical injury, or a pattern of misconduct evidencing the likelihood of imminent serious physical injury.” Martin v. Shelton, 319 F.3d 1048, 1050 (8th Cir. 2003). “Vague and utterly conclusory assertions” of harm are insufficient. White v. Colorado, 157 F.3d 1226, 1231-32 (10th Cir. 1998). That is, the “imminent danger” exception is available “for genuine emergencies,” where “time is pressing” and “a threat . . . is real and proximate.” Lewis v. Sullivan, 279 F.3d 526, 531 (7th Cir. 2002).

1 In light of the foregoing, plaintiff's request for leave to proceed in forma pauperis will be
2 denied. Plaintiff will be granted fourteen days within which to pay the filing fee for this action.
3 Failure to pay the filing fee within fourteen days will result in a recommendation that this action
4 be dismissed.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 4) is denied.
 - 7 2. Plaintiff is granted fourteen days within which to pay the \$400 filing fee for this action.
- 8 Failure to pay the filing fee within fourteen days will result in a recommendation that this action
9 be dismissed.

10 Dated: July 31, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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