

1 (dismissed February 25, 2016); and (3) Joseph v. Heatley, 2:13-cv-00879 CMK P (dismissed
2 September 22, 2016).

3 Plaintiff would still be entitled to proceed in forma pauperis if his complaint indicated that
4 he was in imminent danger of serious physical injury. 28 U.S.C. § 1915(g); Andrews v.
5 Cervantes, 493 F.3d 1047, 1049-50 (9th Cir. 2007). Plaintiff's claims do not, however, indicate
6 such a danger. In this action, plaintiff seeks money damages for allegedly inadequate medical
7 care he received while housed at Mule Creek State Prison ("MCSP"). The three named
8 defendants are doctors employed at MCSP. At the time plaintiff filed this action he was housed
9 at R.J. Donovan Correctional Facility ("RJDCF"). Plaintiff is still housed at RJDCF. Because
10 plaintiff was no longer housed at MCSP when he filed this action, the alleged inadequate medical
11 care he received at MCSP does not constitute an imminent danger.

12 For the reasons discussed above, the undersigned recommends that plaintiff's request to
13 proceed in forma pauperis be denied, and plaintiff be ordered to pay the filing fee.

14 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court randomly assign a
15 district judge to this action; and

16 IT IS HEREBY RECOMMENDED that plaintiff's application to proceed in forma
17 pauperis (ECF No. 2) be denied and plaintiff be ordered to pay the \$400 filing fee.

18 These findings and recommendations are submitted to the United States District Judge
19 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
20 after being served with these findings and recommendations, plaintiff may file written objections
21 with the court and serve a copy on all parties. Such a document should be captioned
22 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
23 failure to file objections within the specified time may waive the right to appeal the District
24 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

25 Dated: December 12, 2018

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE