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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VINCENT ROSENBALM,

No. C 07-3226 SI (pr)

Plaintiff,

**ORDER DENYING PAUPER STATUS
AND FOR FILING FEE**

v.

ED FOULK,

Defendant.

A prisoner may not bring a civil action 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 upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

Vincent Rosenbalm is subject to the filing restriction on frequent filing prisoners in 28 U.S.C. § 1915(g) because he is a prisoner and has suffered four prior dismissals that counted under § 1915(g). See Order Of Dismissal filed June 1, 2007 in In re. Rosenbalm, N. D. Cal. Case Nos. C 06-7801 SI, C 06-7802 SI, C 07-316 SI, C 07-606 SI, C 07-776 SI, C 07-1295 SI, and C 07-1555 SI. Having just determined that Rosenbalm currently is a prisoner for purposes of § 1915 and having just determined that he has four prior dismissals covered by § 1915(g), there is no need to redetermine those questions in the newest civil rights action he has filed.

The court has reviewed the complaint in this action and determines that it does not come within the imminent danger exception in § 1915(g). Section 1915(g) precludes him from

1 proceeding as a pauper in this action. The in forma pauperis application is DENIED. (Docket
2 # 2.) Rosenbalm must pay the full filing fee of \$350.00 in this action no later than **July 27,**
3 **2007.** Failure to pay the filing fee by the deadline will result in the dismissal of this action. If
4 Rosenbalm chooses to pay the filing fee, he should note on the check or money order the case
5 number for this case, so the fee will not be applied to any other action now pending – the court
6 issued an order similar to this one earlier this month in three other actions Rosenbalm had filed.

7 IT IS SO ORDERED.

8 Dated: June 28, 2007


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10 SUSAN ILLSTON
11 United States District Judge
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