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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY R. TURNER,

Plaintiff,

v.

JERRY BROWN, et al.,

Defendants.

No. C 13-1825 JSW (PR)

**ORDER OF DISMISSAL**

(Docket Nos. 3, 5, 6)

Plaintiff, a California prisoner proceeding pro se, filed this civil rights case under 42 U.S.C. § 1983. Plaintiff was ordered to show cause why, in light of Plaintiff’s prior cases that were dismissed as frivolous, malicious or for failure to state a cognizable claim, why in forma pauperis should not be denied and this case should not be dismissed pursuant to 28 U.S.C. § 1915(g), or to pay the filing fee. He was informed that his failure to do so would result in the dismissal of this case.


Plaintiff filed a motion for appointment of counsel, which was denied, but no other response. In that motion, Plaintiff does not contest that the dismissals cited in the order to show cause constitute fall within the definition of Section 1915(g). He does appear to be arguing that he should be allowed to proceed IFP because he is in “imminent danger,” see 28 U.S.C. § 1915(g) (providing for “imminent danger” exception), insofar as he alleges

1 that he has suffered excessive force, first by police officers and Yolo County Sheriff  
2 officials in 2009, and then by prison officials in 2012. None of these alleged incidents of  
3 excessive force occurred at the prison where Plaintiff is currently incarcerated, nor does  
4 Plaintiff allege that the force was applied individuals with whom he currently has contact.  
5 Plaintiff has not otherwise shown that he is in “imminent danger” of physical harm.  
6 Consequently, he has not shown cause why this case should not be dismissed and in  
7 forma pauperis should not be denied under Section 1915(g), this case is DISMISSED  
8 without prejudice and the application to proceed in forma pauperis DENIED. No fee is  
9 due.

10 The Clerk shall enter judgment and close the file.

11 IT IS SO ORDERED.

12 DATED: December 9, 2013

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15 JEFFREY S. WHITE  
16 United States District Judge  
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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 ANTHONY TURNER,  
6 Plaintiff,  
7

Case Number: CV13-01825 JSW

**CERTIFICATE OF SERVICE**

8 v.


9 JERRY BROWN ET AL et al,  
10 Defendant.  
\_\_\_\_\_ /

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
12 Court, Northern District of California.

13 That on December 9, 2013, I SERVED a true and correct copy(ies) of the attached, by placing  
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
16 delivery receptacle located in the Clerk's office.

17 Anthony R.G. Turner  
18 P.O. Box 1050  
19 G27511  
20 Soledad, CA 93960

21 Dated: December 9, 2013

  
22 Richard W. Wieking, Clerk  
23 By: Jennifer Ottolini, Deputy Clerk  
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