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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JIMMIE STEPHEN,
Plaintiff,

No. C 13-2205 SI (pr)

ORDER OF DISMISSAL

v.

DENTIST COOLEY,

_____ /

On September 4, 2013, the court ordered plaintiff, Jimmie Stephen, to show cause why this action should not be dismissed under 28 U.S.C. § 1915(g), which provides that a prisoner may not bring a civil action *in forma pauperis* under 28 U.S.C. § 1915 "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). The order identified five prior dismissals that appeared to count under § 1915(g), stated that plaintiff did not appear to be under imminent danger of serious physical injury when he filed the complaint, and ordered plaintiff to show cause why pauper status should not be denied and the action should not be dismissed. The order further stated that plaintiff also could avoid dismissal by paying the filing fee by the deadline.

Plaintiff did not file any response to the order to show cause, and the deadline by which to do so has long passed.


United States District Court
For the Northern District of California

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Each of the five cases identified in the order to show cause counts as a dismissal for § 1915(g) purposes. Plaintiff did not pay the filing fee, did not show that any of the prior dismissals could not be counted under § 1915(g), does not appear to be under imminent danger of serious physical injury, and did not otherwise show cause why this action could not be dismissed. For the foregoing reasons, plaintiff's *in forma pauperis* application is DENIED. (Docket # 2, # 4.) This action is dismissed for failure to pay the filing fee. The clerk shall close the file.

IT IS SO ORDERED.

Dated: November 22, 2013



SUSAN ILLSTON
United States District Judge