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

CHARLES REGINALD COOKS, AT7962,)	
)	
Plaintiff(s),)	No. C 16-0230 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
UNITED STATES COURT OF APPEALS)	(Dkt. #10)
SUPERVISOR, et al.,)	
)	
Defendant(s).)	
_____)	

Plaintiff, a prisoner at California State Prison, Solano and frequent litigant in federal court, filed a pro se complaint under 42 U.S.C. § 1983 challenging the allegedly unlawful actions of a court clerk. Plaintiff also sought to proceed in forma pauperis (IFP) under 28 U.S.C. § 1915.

On January 21, 2016, the court found that 28 U.S.C. § 1915(g) bars plaintiff from proceeding IFP in this action because plaintiff: (1) has had three or more prior prisoner actions dismissed by a federal district court on the grounds that they are frivolous, malicious, or fail to state a claim upon which relief may be granted; and (2) is not seeking relief from a danger of serious physical injury which is imminent at the time of filing. Jan. 21, 2016 Order at 2 (citing cases).


1 Pursuant to the law of the circuit, plaintiff nonetheless was afforded an
2 opportunity to persuade the court that § 1915(g) does not bar IFP status for him.
3 Id. (citing Andrews v. King, 398 F.3d 1113, 1120 (9th Cir. 2005)). The court
4 gave plaintiff 28 days to “show cause why § 1915(g) does not bar IFP status for
5 him,” and explained that “[f]ailure to show cause, or pay the requisite
6 \$ 400.00 filing fee, within the designated time will result in the dismissal of this
7 action without prejudice to bringing it in a new paid complaint.” Id.

8 Plaintiff has responded by filing an amended complaint and a new
9 prisoner’s application to proceed IFP under 28 U.S.C. § 1915. But he in no way
10 shows in these filings, or anywhere else, that § 1915(g) does not bar IFP status
11 for him in this prisoner action. Plaintiff’s instant prisoner action accordingly is
12 DISMISSED without prejudice to bringing it in a paid complaint.

13 The clerk shall enter judgment in accordance with this order, terminate all
14 pending motions (see dkt. #10) as moot, and close the file.

15 SO ORDERED.

16 DATED: Feb. 25, 2016


17 CHARLES R. BREYER
18 United States District Judge