

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVEN WAYNE BONILLA,

Plaintiff,

v.

STAN ELLER, et al.,

Defendants.

Case No. [17-cv-01310-VC](#) (PR)

**ORDER OF DISMISSAL WITH  
PREJUDICE; DENYING MOTION TO  
PROCEED *IN FORMA PAUPERIS***

Re: Dkt. No. 2

Plaintiff Steven Wayne Bonilla, a state inmate, has filed a *pro se* civil action under 42 U.S.C. § 1983 against Mono County Superior Court Judge Stan Eller and Mono County Superior Court Clerk H. Kenney. Bonilla has also filed a motion for leave to proceed in forma pauperis. Bonilla has been disqualified from proceeding *in forma pauperis* under 28 U.S.C. § 1915(g) unless he is “under imminent danger of serious physical injury” at the time he filed his complaint. 28 U.S.C. 1915(g); *In re Steven Bonilla*, No. C 11-3180 CW (PR); *Bonilla v. Dawson*, No. C 13-0951 CW (PR).

The allegations in this complaint do not show that Bonilla was in imminent danger at the time of filing. Therefore, the motion to proceed *in forma pauperis* is denied. Moreover, even if the IFP application were granted, his lawsuit would be barred under *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Accordingly, the case is dismissed with prejudice.

The Clerk shall close the case.

**IT IS SO ORDERED.**

Dated: March 24, 2017



VINCE CHHABRIA  
United States District Judge