

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN WAYNE BONILLA,

Plaintiff,

v.

CALIFORNIA SUPREME COURT, et al.,

Defendants.

Case No. [17-cv-07246-VC](#) (PR)

**ORDER OF DISMISSAL WITH
PREJUDICE**

Plaintiff Steven Wayne Bonilla, a state inmate, has filed a pro se civil action against the California Supreme Court, Alameda County District Attorney Nancy O'Malley, Alameda County Prosecutor Jonathan Goodfellow and Attorney John Whilson for "conspiracy to obstruct and impede the administration of justice" in Bonilla's underlying state criminal case. The Clerk of the Court designated this as a civil rights case under 42 U.S.C. § 1983. Bonilla has been disqualified from proceeding in forma pauperis ("IFP") 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, Bonilla may not proceed IFP. Moreover, his lawsuit is barred under *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Bonilla keeps filing complaints alleging state and federal claims against people involved his his state criminal case. These claims are to be filed, if at all, in his federal habeas petition. Accordingly, the case is dismissed with prejudice.

Furthermore, this is not a case in which the undersigned judge's impartiality might be

reasonably questioned. See *United States v. Holland*, 519 F.3d 909, 912 (9th Cir. 2008) (absent legitimate reason to recuse himself or herself, judge has a duty to sit in judgment in all cases assigned to that judge).

The Clerk shall close the case. The Clerk shall return, without filing, any further documents Bonilla submits after this case is closed.

IT IS SO ORDERED.

Dated: February 14, 2018



VINCE CHHABRIA
United States District Judge