UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

STEVEN WAYNE BONILLA,
 	
              Plaintiff,
 	
       v.
 	
BRAD KEYES, ALAMEDA COUNTY DISTRICT ATTORNEY AND JOHN DOE JUDGES,
 	
              Defendants.
	Case No. 18-cv-00629-VC (PR)
	
	ORDER OF DISMISSAL WITH PREJUDICE

Plaintiff Steven Wayne Bonilla, a state inmate, has filed a pro se civil action alleging collusion, fraud, conspiracy and complicity against Brad Keys, Alameda County District Attorney Jonathan Goodfellow and John Doe Judges. The clerk of the court has designated this as a civil rights action under 42 U.S.C. § 1983. If this is a civil rights action, 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).

If this is not a civil rights action, it alleges only state law claims, which means this Court lacks jurisdiction. In either case, the complaint is dismissed with prejudice. Bonilla continues to bring federal and state claims about his state criminal case. These claims should be filed, if at all, in his federal habeas petition, not in civil rights actions.

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