

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ANTHONY S. BERRINGER,
Plaintiff,

No. C 12-2512 PJH (PR)

v.

ORDER OF DISMISSAL

M. SANDOVAL, et al.,
Defendants.

This is a civil rights case filed pro se by a state prisoner. A prisoner may not bring a civil action in forma pauperis ("IFP") "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 court issued an order to plaintiff noting that it appeared he had at least four cases previously dismissed as frivolous, malicious, or for failure to state a claim, and listed them. He was ordered to show cause within thirty days why leave to proceed IFP should not be denied. When he failed to show cause, IFP was denied and he was ordered to pay the \$350 filing fee within thirty days. He was warned that if he did not the case would be dismissed. He has not paid the fee. The case is **DISMISSED** and plaintiff's motion (Docket No. 3) is **DENIED** as moot. The clerk shall close the file.

IT IS SO ORDERED.

Dated: January 11, 2013.



PHYLLIS J. HAMILTON
United States District Judge