

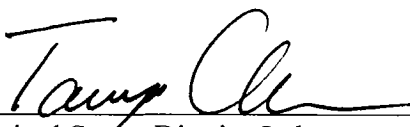


*Maisano v. Arpaio*, No. 4:14-CV-001 (D. Ariz. Feb. 20, 2014) (Injunction Order); *Maisano v. Lewis*, No. 2:92-CV-1026 (D. Ariz. Aug. 11, 1992) (Order and Restraining Order); *see also Maisano v. McNamee*, No. 2:09-CV-2515, 2010 WL 625793, at \*1 (D. Ariz. Feb. 18, 2010) (denying plaintiff's *in forma pauperis* application under 28 U.S.C. § 1915(g)).<sup>1</sup>

Under these circumstances, plaintiff may proceed *in forma pauperis* only if he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). The Court “assess[es] the alleged danger at the time [plaintiff] filed his complaint,” *Mitchell v. Fed. Bureau of Prisons*, 587 F.3d 415, 420 (D.C. Cir. 2009), and in so doing “construe[s] his complaint liberally and accept[s] its allegations as true,” *id.* (citing *Ibrahim v. District of Columbia*, 463 F.3d 3, 6 (D.C. Cir. 2006)). None of the complaint’s factual allegations demonstrate that plaintiff is in imminent danger of serious physical injury.

The Court will deny the plaintiff’s application to proceed *in forma pauperis* and dismiss this civil action without prejudice.

DATE: July 28, 2017

  
United States District Judge

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<sup>1</sup> The plaintiff has tried to circumvent the terms of the injunction orders in the past. *See Maisano v. Corizon Health Inc.*, No. 2:15-CV-0646, 2015 WL 1888243, at \*2 (D. Ariz. Apr. 15, 2015) (noting that plaintiff “engaged in a bad faith attempt to circumvent the 2014 Injunction Order and avoid the requirement that he obtain permission to file his lawsuit” by filing a lawsuit in the Eastern District of Missouri, presumably “because the judiciary there has not been subjected to his abusive litigation practices and therefore, was initially unaware of [p]laintiff, his egregious misconduct, and the Injunction Order”). This court will look upon any future civil action with disfavor as an attempt to avoid the consequences of the injunction orders issued by the United States District Court for the District of Arizona.