


to state a claim); *see also Larson v. Warden Gonzales*, No. 1:08 CV 685 (E.D. Cal. Apr. 7, 2009) (denying leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(g)); *appeal dismissed*, No. 09-15994 (9th Cir. Nov. 30, 2009).

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 plaintiff’s application to proceed *in forma pauperis* and dismiss this civil action without prejudice. The plaintiff may file a motion to reopen this case upon payment in full of the \$350 filing fee.

An Order is issued separately.

DATE: 6/21/2017


United States District Judge