

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ALDEN PAULINE, #A0256259,)	Civ. No. 15-00074 LEK/RLP
)	
Plaintiff,)	ORDER DENYING MOTION TO REOPEN
)	CASE
v.)	
)	
JUDGE MICHAEL SEABRIGHT, et)	
al.,)	
)	
Defendants,)	
_____)	

ORDER DENYING MOTION TO REOPEN CASE

On March 31, 2015, the court dismissed this action without prejudice pursuant to 28 U.S.C. § 1915(g), holding Plaintiff was not in imminent danger of serious physical injury when he commenced this suit, and therefore, not entitled to proceed *in forma pauperis* ("IFP"). See Doc. No. 6. The court advised Plaintiff that he could move to reopen the case within twenty-eight days on a showing of good cause, or bring a new action with concurrent payment of the filing fee. *Id.*, PageID #29. Before the court is Plaintiff's amended complaint and a separate statement of facts, construed as a motion to reopen this case for good cause. See Doc. Nos. 8 & 10.

Nothing within Plaintiff's amended complaint or statement of facts convinces this court that he was in imminent danger of serious physical injury when he filed this action on March 9, 2015, or even when he filed the amended complaint and statement of facts. See *Andrews v. Cervantes*, 493 F.3d 1047,

1053 (9th Cir. 2007). This is particularly true in light of Plaintiff's unequivocal statements to Chief U.S. District Judge Susan Oki Mollway on March 18, 2015, made on the record in Civ. No. 15-00084 SOM/KSC, that he had not felt endangered or threatened by prison staff or other inmates since January 15, 2015, or earlier. Plaintiff does not dispute these statements.

Plaintiff fails to show good cause for reopening this action, or convince this court to reconsider its decision to deny his IFP application and dismiss this action without prejudice. Plaintiff's Motion to Reopen Case is DENIED.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, May 4, 2015.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

Pauline v. Seabright, et al., Civ. No. 15-00074 LEK/RLP; 3 stks 2015 (dny reopen);
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