

1 danger of serious physical injury.” 28 U.S.C. § 1915(g).

2 Plaintiff submitted his complaint on June 23, 2017. (ECF No. 1-1). In the
3 complaint, Plaintiff sues various prison officials for events that took place in 2015 when
4 prison officials disciplined Plaintiff for refusing to pick up his legal mail during an excessive
5 heat warning. (See *generally* ECF No. 1-1). The Court finds that these allegations fail to
6 plausibly allege that Plaintiff is in imminent danger of serious physical injury. See
7 *Andrews v. Cervantes*, 493 F.3d 1047, 1055-56 (9th Cir. 2007) (holding that the exception
8 to § 1915(g) applies if the complaint makes a plausible allegation that the prisoner faced
9 an ongoing danger of serious physical injury at the time of filing). As such, Plaintiff must
10 pre-pay the \$400.00 filing fee in full.

11 **II. CONCLUSION**

12 For the foregoing reasons, IT IS ORDERED that Plaintiff’s applications to proceed
13 *in forma pauperis* (ECF No. 1, 3) are denied.

14 IT IS FURTHER ORDERED that this action will be dismissed without prejudice
15 unless Plaintiff pays the \$400.00 filing fee in full within thirty (30) days of entry of this
16 order.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff two copies
18 of this order. Plaintiff shall make the necessary arrangements to have one copy of this
19 order attached to the check paying the filing fee.

20 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint
21 (ECF No. 1-1).

22 IT IS FURTHER ORDERED that the motion to extend prison copy work limit (ECF
23 No. 2) is denied, without prejudice, at this time.

24 DATED this 24th day of January, 2018.



26
27 RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE