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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Victor Tagle,
Plaintiff
v.
Department of Homeland Security, et al.,
Defendants

Case No. 2:17-cv-02846-JAD-NJK

Order

[ECF No. 1]

10 Pro se prisoner Victor Tagle brings this civil-rights action and applies to proceed *in forma*
11 *pauperis*.¹

12 Mr. Tagle is a frequent filer at this courthouse. On at least three occasions, the Court has
13 dismissed actions filed by Mr. Tagle while in detention as malicious or for failure to state a claim
14 upon which any relief may be granted. Title 28 U.S.C. § 1915(g) provides, “if [a] prisoner has,
15 on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or
16 appeal in a court of the United States that was dismissed on the grounds that it is frivolous,
17 malicious, or fails to state a claim upon which relief may be granted,” he may not proceed *in*
18 *forma pauperis* and, instead, must pay the full \$400.00 filing fee in advance unless he is “under
19 imminent danger of serious physical injury.”²

20 Mr. Tagle alleges issues with his previous military service and immigration status, but his
21 allegations fail to show that he is in imminent danger of serious physical injury.³ So, if Mr. Tagle
22 wants to proceed with this action, he must pre-pay the \$400.00 filing fee in full.

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¹ ECF Nos. 1, 1-1.

² 28 U.S.C. § 1915(g).

³ *Id.* See *Andrews v. Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007) (holding that the exception to § 1915(g) applies if the complaint makes a plausible allegation that the prisoner faced imminent danger of serious physical injury at the time of filing).


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Accordingly, IT IS HEREBY ORDERED that plaintiff’s application to proceed *in forma pauperis* [ECF No. 1] is DENIED.

IT IS FURTHER ORDERED that **this action will be dismissed without prejudice and without further prior notice unless plaintiff pays the \$400.00 filing fee in full by December 18, 2017.**

The Clerk of the Court is directed to retain the complaint [ECF No. 1-1] and send plaintiff two copies of this order. Plaintiff must make the necessary arrangements to have one copy of this order attached to the check paying the filing fee.

DATED: November 16, 2017



U.S. District Judge Jennifer A. Dorsey