

1 *pauperis* and instead must pay the full \$350.00 filing fee in advance, unless he is under
2 imminent danger of serious physical injury.


3 Plaintiff cannot proceed *in forma pauperis* in this action or any other civil action
4 filed in any federal court because he has had three (3) or more prior actions dismissed
5 for failure to state a claim upon which relief may be granted, or as frivolous or malicious.
6 Plaintiff fails to plausibly allege that he is in imminent danger of serious physical injury.
7 See *Andrews v. Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007) (holding that the
8 exception to § 1915(g) applies “if the complaint makes a plausible allegation that the
9 prisoner faced ‘imminent danger of serious physical injury’ at the time of filing.”).
10 Plaintiff must pre-pay the filing fee in full.

11 It is therefore ordered that this action will be dismissed without prejudice unless
12 plaintiff pays the \$350.00 filing fee in full within thirty (30) days of entry of this order.

13 It is further ordered that the Clerk of Court shall send plaintiff two (2) copies of
14 this order. Plaintiff shall make the necessary arrangements to have one (1) copy of this
15 order attached to the check paying the filing fee.

16 It is further ordered that the Clerk of the Court shall retain the complaint.

17 DATED THIS 14th day of November 2013.

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20 MIRANDA M. DU
21 UNITED STATES DISTRICT JUDGE
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