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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 BILLY EDWARD TOYCEN,

8 Plaintiff,

9 v.

10 CITY OF YAKIMA MUNICIPAL
11 COURT, YAKIMA COUNTY,
12 BENTON COUNTY, WASHINGTON
13 STATE, UNITED STATES OF
14 AMERICA,

15 Defendants.

NO: 1:16-CV-3187-SMJ

**ORDER DISMISSING
COMPLAINT**

1915(g)

14 By Order filed January 3, 2017, the Court advised Plaintiff of the
15 deficiencies of his complaint and directed him to amend or voluntarily dismiss
16 within sixty (60) days. Plaintiff was granted additional time to amend or
17 voluntarily dismiss on March 29, 2017.

18 Plaintiff had initiated this *pro se* civil rights complaint pursuant to 42 U.S.C.
19 § 1983, while incarcerated at the Yakima County Jail. He was later transferred to
20

ORDER DISMISSING COMPLAINT -- 1

1 the custody of the Department of Corrections. He is proceeding *in forma pauperis*;
2 Defendants have not been served in this action.

3 Liberally construing the complaint, the Court was unable to discern a
4 cognizable claim for relief. He requests: “Reimburste me, lawyer . . . give me
5 attorney lawyer I deserves case money I’m looking at Power of Attorney for my
6 self [,] my soveriegnty. Me being welp sense 1978 born from bible Holy Spirit on
7 3-29-2016 B-16-4 floor 7:00 p.m. They tried taking my life. (Also 1-22-2016 B-
8 14-4 floor officer Rasmessen) Me as Emperior of American Birthright 33 years
9 Monson Bank of America credit line for the past 32 years/personal property.” ECF
10 No. 10 at 4.

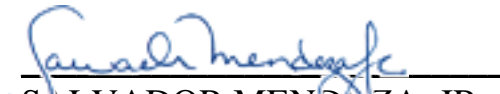
11 Although granted the opportunity to do so, Plaintiff has failed to amend his
12 complaint to state a claim upon which relief may be granted. Therefore, for the
13 reasons set forth above and in the Order to Amend or Voluntarily Dismiss, **IT IS**
14 **ORDERED** complaint is **DISMISSED without prejudice** pursuant to 28 U.S.C.
15 §§ 1915A(b)(1),(2) and 1915(e)(2).

16 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who
17 brings three or more civil actions or appeals which are dismissed as frivolous or for
18 failure to state a claim will be precluded from bringing any other civil action or
19 appeal *in forma pauperis* “unless the prisoner is under imminent danger of serious
20 physical injury.” 28 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory**

1 provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may
2 count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may
3 adversely affect his ability to file future claims.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 Order, enter Judgment, forward copies to Plaintiff at his last known address, and
6 **CLOSE** the file. The District Court Executive is further directed to forward a
7 copy of this Order to the Office of the Attorney General of Washington,
8 Corrections Division. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that
9 any appeal of this Order would not be taken in good faith and would lack any
10 arguable basis in law or fact.

11 **DATED** this 3rd day of May 2017.

12 
13 SALVADOR MENDEZ, JR.
14 United States District Judge