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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KENNETH DEAN MILLER,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>MOTOR VEHICLE DIVISION; et al.,</p> <p>Defendants - Appellees.</p>

No. 10-57004

D.C. No. 2:10-cv-06432-UA-JEM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Audrey B. Collins, Chief Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Kenneth Dean Miller, an Arizona state prisoner, appeals pro se from the district court’s order denying his motion to proceed in forma pauperis in his 42 U.S.C. § 1983 action alleging constitutional violations. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *Tripati v. First Nat’l*

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Bank & Trust, 821 F.2d 1368, 1369 (9th Cir. 1987), and we affirm.

The district court did not abuse its discretion by denying leave to proceed in forma pauperis because, on three prior occasions, Miller brought actions that were dismissed for being frivolous, malicious, or failing to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(g).

Further, the district court did not abuse its discretion by denying leave to proceed in forma pauperis because the complaint is patently frivolous. *See Tripathi*, 821 F.2d at 1370 (“A district court may deny leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit.”).

Millers’s remaining contentions are unpersuasive.

AFFIRMED.