

AUG 19 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>EDWARD FAYE PARKS,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>ALPHERA FINANCIAL SERVICES; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 12-17520

D.C. No. 3:12-cv-08149-GMS-
DKD

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Submitted August 14, 2013**

Before: SCHROEDER, GRABER, and PAEZ, Circuit Judges.

Edward Faye Parks, an Arizona state prisoner, appeals pro se from the district court’s order denying his request to proceed in forma pauperis in his action alleging that defendants violated his rights in connection with the purchase,

* 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).

repossession, and sale of a vehicle. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's interpretation and application of 28 U.S.C. § 1915(g), *Andrews v. Cervantes*, 493 F.3d 1047, 1052 (9th Cir. 2007), and for an abuse of discretion its denial of leave to proceed in forma pauperis, *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). We affirm.

The district court did not abuse its discretion by denying Parks's request to proceed in forma pauperis because at least three of Parks's prior § 1983 actions were dismissed on the basis that they were frivolous or failed to state a claim, and Parks did not provide sufficient allegations to show that he was "under imminent danger of serious physical injury" at the time he lodged the complaint. 28 U.S.C. § 1915(g); *see also Andrews*, 493 F.3d at 1055 (an exception to the three-strikes rule exists only where "the complaint makes a plausible allegation that the prisoner faced 'imminent danger of serious physical injury' at the time of filing").

Parks's contentions that the district court violated his due process rights by failing to order service on defendants in a timely manner is unpersuasive.

AFFIRMED.