

MAR 17 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>BRYAN EDWIN RANSOM,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>D. ORTIZ, Associate Warden of CSP- Corcoran; et al.,</p> <p>Defendants - Appellees.</p>

No. 12-17492

D.C. No. 1:11-cv-00617-LJO-
GBC

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O'Neill, District Judge, Presiding

Submitted March 10, 2014**

Before: PREGERSON, LEAVY, and MURGUIA, Circuit Judges.

California state prisoner Bryan Edwin Ransom appeals pro se from the district court's judgment denying leave to proceed in forma pauperis in his 42 U.S.C. § 1983 action alleging First, Fourth, Eighth, and Fourteenth Amendment

* 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).

violations. 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 the 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 Ransom's request to proceed in forma pauperis because at least three of Ransom's prior 42 U.S.C. § 1983 actions were dismissed on the basis that they were frivolous or failed to state a claim, and Ransom 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 rules exists only where "the complaint makes a plausible allegation that the prisoner faced 'imminent danger of serious physical injury' at the time of filing").

AFFIRMED.