NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAYMOND ALFORD BRADFORD,

Plaintiff - Appellant,

v.

D. CASTANO; et al.,

Defendants - Appellees.

No. 13-16258

D.C. No. 1:13-cv-00045-BAM

MEMORANDUM[*]

Appeal from the United States District Court
for the Eastern District of California
Barbara McAuliffe, Magistrate Judge, Presiding[**]

Submitted March 10, 2014[***]

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

California state prisoner Raymond Alford Bradford appeals pro se from the

district court's judgment denying leave to proceed in forma pauperis in his 42

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

[**]   Bradford consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

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

U.S.C. § 1983 action alleging constitutional 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 a 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 leave to proceed in forma pauperis because at least three of Bradford's prior § 1983 cases were dismissed on the basis that they were frivolous or failed to state a claim, and Bradford did not provide sufficient allegations to show that he was "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g); *see also Andrews*, 493 F.3d at 1055 (explaining that the exception to the three-strikes rule applies only "if the complaint makes a plausible allegation that the prisoner faced 'imminent danger of serious physical injury' at the time of filing").

AFFIRMED.