

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 22 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RODNEY JEROME WOMACK,

No. 18-15075

Plaintiff-Appellant,

D.C. No. 2:17-cv-00829-JAM-AC

v.

MEMORANDUM*

D. SWINGLE, M.D./Chief Medical Officer,
High Desert State Prison; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted January 15, 2019**

Before: TROTT, TALLMAN, and CALLAHAN, Circuit Judges.

California state prisoner Rodney Jerome Womack appeals pro se from the district court's order denying him leave to proceed in forma pauperis ("IFP") in his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

Washington v. L.A. Cty. Sheriff's Dep't, 833 F.3d 1048, 1054 (9th Cir. 2016). We affirm.

The district court properly denied Womack's motion to proceed IFP because at the time Womack filed the complaint, he had filed three actions that qualified as strikes, and he did not plausibly allege that he was "under imminent danger of serious physical injury" at the time he lodged the complaint. 28 U.S.C. § 1915(g); *Andrews v. Cervantes*, 493 F.3d 1047, 1053, 1055-56 (9th Cir. 2007) (discussing the imminent danger exception to § 1915(g)).

AFFIRMED.