

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 28 2021

FOR THE NINTH CIRCUIT

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

JEREMY VAUGHN PINSON,

No. 19-15515

Plaintiff-Appellant,

D.C. No. 4:18-cv-00382-RM-
PSOT

v.

UNITED STATES OF AMERICA; et al.,

MEMORANDUM*

Defendants-Appellees,

and

HAYDEN, Dr., Chief of Psychology;
FEDERAL BUREAU OF PRISONS,

Defendants.

Appeal from the United States District Court
for the District of Arizona

Rosemary Márquez, District Judge, Presiding

Submitted January 20, 2021**

Before: McKEOWN, CALLAHAN, and BRESS, Circuit Judges.

Federal prisoner Jeremy Vaughn Pinson appeals pro se from the district

* 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).

court's judgment dismissing her action brought under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) for failure to pay the filing fee after denying Pinson's motion to proceed *in forma pauperis* ("IFP"). We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's interpretation and application of § 1915(g), *Washington v. L.A. Cty. Sheriff's Dep't*, 833 F.3d 1048, 1054 (9th Cir. 2016), and for abuse of discretion for denial of leave to proceed IFP, *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). We affirm.

The district court properly denied Pinson's motion to proceed IFP because Pinson had filed three prior actions that were dismissed as frivolous, malicious, or for failure to state a claim, and she did not plausibly allege that she was "under imminent danger of serious physical injury" at the time she lodged the complaint. *See* 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.