

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 21 2022

FOR THE NINTH CIRCUIT

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

TYRONE JERALD LEE,

No. 21-35850

Plaintiff-Appellant,

D.C. No. 3:21-cv-01245-MO

v.

MEMORANDUM*

DYKE,

Defendant-Appellee.

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted July 12, 2022**

Before: SCHROEDER, R. NELSON, and VANDYKE, Circuit Judges.

The motion to proceed in forma pauperis on appeal (Docket Entry No. 6) is granted.

Tyrone Jerald Lee appeals pro se from the district court's judgment denying Lee's motion to proceed in forma pauperis ("IFP") in his 42 U.S.C. § 1983 action

* 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).

alleging claims arising from his pre-trial detention. 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). We affirm.

The district court properly denied Lee's motion to proceed IFP because Lee had filed at least three prior actions that were dismissed as frivolous, malicious, or for failure to state a claim, and Lee did not plausibly allege that he was "under imminent danger of serious physical injury" at the time he lodged the complaint. *See* 28 U.S.C. § 1915(g); *Andrews*, 493 F.3d at 1053, 1055-56 (discussing the imminent danger exception to § 1915(g)).

AFFIRMED.