

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 28 2026

FOR THE NINTH CIRCUIT

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

TIMOTHY ALLAN DUNLAP,

Plaintiff - Appellant,

v.

CECIL D. ANDRUS, (Deceased) Frm,
Idaho State Governor; RAUL LABRADOR,
Attorney General State of Idaho,

Defendants - Appellees.

No. 24-977

D.C. No. 1:23-cv-00549-DCN

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
David C. Nye, District Judge, Presiding

Submitted September 22, 2026**

Before: OWENS, COLLINS, and SUNG, Circuit Judges.

Timothy Allan Dunlap appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failure to pay the filing fee after denying Dunlap's motion to proceed in forma pauperis ("IFP"). We have

* 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).

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 Dunlap’s motion to proceed IFP because Dunlap had filed at least three prior actions in federal court that were dismissed as frivolous, malicious, or for failure to state a claim, and Dunlap did not plausibly allege that he was “under imminent danger of serious physical injury” that was fairly traceable to the unlawful conduct alleged in his complaint at the time that he lodged the complaint. *See* 28 U.S.C. § 1915(g); *Ray v. Lara*, 31 F.4th 692, 701 (9th Cir. 2022) (explaining that “in order to qualify for the § 1915(g) imminent danger exception, a three-strikes prisoner must allege imminent danger of serious physical injury that is both fairly traceable to unlawful conduct alleged in his complaint and redressable by the court”).

All pending motions and requests are denied.

AFFIRMED.