

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 31 2019

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

KEENAN G. WILKINS, AKA Nerrah
Brown,

Plaintiff-Appellant,

v.

J. GALVIN, Supervisor Mailroom; et al.,

Defendants-Appellees,

and

JEFF MACOMBER, Warden; et al.,

Defendants.

No. 19-15368

D.C. No.

2:16-cv-02629-JAM-DB

Eastern District of California,
Sacramento

ORDER

Before: SCHROEDER, CANBY, and CHRISTEN, Circuit Judges.

Appellees' motion to take judicial notice (Docket Entry No. 5) is granted.

See Bias v. Moynihan, 508 F.3d 1212, 1225 (9th Cir. 2007) (“[W]e may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue.” (quoting *Bennett v. Medtronic, Inc.*, 285 F.3d 801, 803 n.2 (9th Cir. 2002))).

We have reviewed the responses to the court's April 9, 2019 order. We conclude this appeal is frivolous because, in revoking appellant's in forma pauperis status, the district court correctly concluded that appellant has had three or more

prior actions or appeals dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted and has not alleged imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g). We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 3), *see* 28 U.S.C.

§ 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

DISMISSED.

Appendix B

~~EXHIBIT~~

COVER PAGE:

Exhibit:

B

Description of this exhibit:

Appeal No 12-16170

Strike

Number of pages of this exhibit: 8 pages

JURISDICTION: (Check only one)

____ Municipal Court

____ Superior Court

____ Appellate Court

____ State Supreme Court

____ United States District Court

____ United States Circuit Court

____ United States Supreme Court

____ California Department of Corrections, 602 Exhibit.

____ Other: _____

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JUDGMENT IN A CIVIL CASE

NERRAH BROWN,

CASE NO: 2:16-CV-02629-JAM-DB

v.

J. GALVIN, ET AL.,

XX — Decision by the Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

**THAT JUDGMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE
COURT'S ORDER FILED ON 2/7/19**

Marianne Matherly
Clerk of Court

ENTERED: February 7, 2019

by: /s/ A. Kastilahn
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NERRAH BROWN, A.K.A. KEENAN
WILKINS,

Plaintiff,

v.

J. GALVIN, et al.,

Defendants.

No. 2:16-cv-2629 JAM DB P

ORDER

By an order issued December 11, 2018, plaintiff's in forma pauperis status was revoked pursuant to 28 U.S.C. § 1915(g), and he was ordered to pay the filing fee within thirty days in order to continue to proceed with this action. (See ECF No. 25 at 2). At that time, plaintiff was cautioned that failure to do so would result in the sua sponte dismissal of this action. The thirty-day period has now expired, and plaintiff has not responded to the court's order, nor has he paid the filing fee.

In accordance with the above, IT IS HEREBY ORDERED that this action be dismissed without prejudice.

DATED: February 7, 2019

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE

**Additional material
from this filing is
available in the
Clerk's Office.**