

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

APR 24 2025

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

JERMEL ARCILICIA TAYLOR, AKA
Genius, AKA Melo, AKA Yusuf, AKA
Popcorn, DBA New Muslim Party
(N.I.U.A.),

Plaintiff - Appellant,

v.

OREGON DEPARTMENT OF
CORRECTIONS and CRAIG PRINS,

Defendants - Appellees.

No. 25-350

D.C. No.
6:24-cv-01763-IM
District of Oregon,
Eugene

ORDER

Before: TASHIMA and OWENS, Circuit Judges.

Three or more prior actions or appeals filed by appellant were dismissed as frivolous, malicious, or for failure to state a claim. *See Taylor v. Biden, et al.*, Case No. 2:24-cv-00431-IM (D. Or. March 11, 2024) (dismissed for failure to state a claim); *Taylor v. Brown, et al.*, Case No. 2:24-cv-00438-IM (D. Or. March 11, 2024) (dismissed for failure to state a claim); *Taylor v. United States of America, et al.*, Case No. 2:24-cv-00432-IM (D. Or. March 13, 2024) (dismissed for failure to state a claim). Appellant has not alleged imminent danger of serious physical injury. The motion (Docket Entry No. 3) to proceed in forma pauperis is therefore denied. *See* 28 U.S.C. § 1915(g).

Within 21 days, appellant must pay \$605 to the district court in fees for this appeal and file proof of payment with this court. If appellant does not pay the fees, the court will dismiss this appeal, regardless of further filings. *See* 9th Cir. R. 42-1.

No motions for reconsideration, clarification, or modification of the denial of appellant's in forma pauperis status will be entertained. If the appeal is dismissed for failure to pay fees, the court will not entertain any motion to reinstate the appeal that does not include proof of payment.

Briefing is stayed .

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JERMEL A. TAYLOR,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS *et al.*,

Defendants.

Case No. 6:24-cv-01763-IM

ORDER

IMMERGUT, District Judge.

Plaintiff Jermel A. Taylor (“Plaintiff”), a self-represented litigant in custody at Eastern Oregon Correctional Institution, filed this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 1914, a party seeking to institute a civil action shall pay a filing fee of \$402.00, which includes a \$350.00 filing fee and a \$55.00 administrative fee. An action may proceed without the prepayment of the filing fee only upon a proper application to proceed *in forma pauperis* (“IFP”). *See* 28 U.S.C. § 1915(1) (providing that “any court of the United States may authorize the commencement . . . of any suit, action or proceeding . . . without prepayment of fees” upon receipt of a properly filed IFP application).

Plaintiff has neither submitted the requisite \$405.00 nor moved to proceed *in forma pauperis*. However, an individual in custody is prohibited from proceeding in a civil action without full prepayment of filing fees if he “has, on [three] or more prior occasions, . . . brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless [he] is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g) (“Section 1915(g)”). “This subdivision is commonly known as the ‘three strikes’ provision.” *Andrews v. King*, 398 F.3d 1113, 1116 n.1 (9th Cir. 2005).

Plaintiff, while incarcerated or detained, has had numerous actions dismissed by this Court, as follows: (1) *Taylor v. Biden et al.*, Case No. 2:24-cv-00431-IM, dismissed for failure to state a claim on March 11, 2024; (2) *Taylor v. Brown*, Case No. 2:24-cv-00438-IM, dismissed for failure to state a claim on March 11, 2024; (3) *Taylor v. United States of America et al.*, Case No. 2:24-cv-00432-IM, dismissed for failure to state a claim on March 13, 2024; (4) *Taylor v. Oregon Democratic Party*, Case No. 2:24-cv-00452-IM, dismissed for failure to state a claim on April 3, 2024; (5) *Taylor v. United Nations (UN) et al.*, Case No. 2:24-cv-00477-IM, dismissed for failure to state a claim on April 12, 2024; (6) *Taylor v. United States of America*, Case No. 2:24-cv-00453-IM, dismissed for failure to state a claim on April 18, 2023; (7) *Taylor v. Oregon Department of Corrections*, Case No. 2:24-cv-00460-IM, dismissed for failure to state a claim on April 18, 2024; (8) *Taylor v. State of Oregon et al.*, Case No. 2:24-cv-00407-IM, dismissed for failure to state a claim on May 27, 2024; and (9) *Taylor v. Washington County Oregon et al.*, Case No. 3:24-cv-00288-IM, dismissed for failure to state a claim on June 18, 2024. Plaintiff thus has accumulated three strikes and Section 1915(g) prohibits his pursuit of any civil action or

appeal without prepayment of the filing fee unless he faces “imminent danger of serious physical injury.”

Plaintiff seeks to challenge ODOC’s grievance procedure. Such claim does not suggest a present threat of imminent physical danger and therefore does not satisfy the imminent danger exception to Section 1915(g). *See Brookins v. Renteria*, Case No. 1:21-cv-01809-HBK (PC), 2022 WL 168532, at *2 (E.D. Cal. Jan. 19, 2022) (explaining that “the ‘imminent danger’ exception exists ‘for genuine emergencies,’ where ‘time is pressing’ and ‘a threat . . . is real and proximate’”). Accordingly, Plaintiff is barred from proceeding *in forma pauperis* in this case, and he must pay the filing fee in full if he wishes to proceed.

CONCLUSION

Based on the forgoing, the Court ORDERS Plaintiff to pay the full filing fee of \$405.00, within thirty days of the date of this order. Failure to do so will result in the dismissal of this proceeding, without prejudice.

IT IS SO ORDERED.

DATED this 31st day of December, 2024.

/s/ Karin J. Immegut
Karin J. Immegut
United States District Judge

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ORDER

Appellant has not filed proof that fees were paid to the district court, as ordered by this court on April 24, 2025.

This appeal is therefore dismissed. *See* 9th Cir. R. 42-1.

This order becomes the mandate of the court in 21 days.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT