

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 12, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAVIER CHAVEZ, JR.,

Plaintiff,

v.

3M, TYCO FIRE PRODUCTS,
FAIRCHILD AIRFORCE BASE,
DEPARTMENT OF DEFENSE and
THOMAS K. BROWN (3M Board of
Directors),

Defendants.

NO: 2:22-CV-00107-RMP

ORDER DISMISSING ACTION

§ 1915(g)

Plaintiff, a prisoner at the Monroe Correctional Complex – Twin Rivers Unit, filed this *pro se* Civil Rights Complaint on May 11, 2022. ECF No. 1. On June 10, 2022, the Court granted Plaintiff leave to proceed *in forma pauperis*, advised him of the deficiencies of his *pro se* Civil Rights Complaint, and directed him to amend or voluntarily dismiss the Complaint within sixty (60) days. *See* ECF Nos. 6 and 7.

The Court cautioned Plaintiff that if he failed to amend his complaint as directed, the Court would dismiss it for failure to state a claim under 28 U.S.C. §§

1 1915(e)(2) and 1915A(b)(1). ECF No. 7 at 10. Plaintiff did not comply with the
2 Court's directives and has filed nothing further in this action. Therefore, it appears
3 that Plaintiff has abandoned this litigation.

4 For the reasons set forth above and in the Order to Amend or Voluntarily
5 Dismiss Complaint, ECF No. 7, **IT IS ORDERED** that this action is **DISMISSED**
6 **WITH PREJUDICE** for failure to state a claim upon which relief may be granted
7 under 28 U.S.C. § 1915(e)(2).

8 Pursuant to 28 U.S.C. § 1915(g) a prisoner who brings three or more civil
9 actions or appeals which are dismissed as frivolous or for failure to state a claim
10 will be precluded from bringing any other civil action or appeal *in forma pauperis*
11 “unless the prisoner is under imminent danger of serious physical injury.” 28
12 U.S.C. § 1915(g). Plaintiff is advised to read the statutory provisions of 28
13 U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the
14 three dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his
15 ability to file future claims in forma pauperis.

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IT IS SO ORDERED. The District Court Clerk is directed to enter this Order, enter judgment of dismissal with prejudice, provide copies to Plaintiff at his last known address, and **close the file**. The District Court Clerk is further directed to provide a copy of this Order to the Office of the Attorney General of Washington, Corrections Division. The Court certifies that any appeal of this dismissal would not be taken in good faith.

DATED August 12, 2022.

s/ Rosanna Malouf Peterson
 ROSANNA MALOUF PETERSON
 Senior United States District Judge