

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

**Aug 31, 2022**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SOPHIA LAFERRIERE,

Plaintiff,

v.

SUPERINTENDENT JAMES KEY,  
ASSISTANT SUPERINTENDENT  
RIVERA, CPM DEUNICH and  
SENA BLANCHER,

Defendants.

NO: 2:22-CV-00125-RMP

ORDER DISMISSING ACTION

**§ 1915(g)**

Plaintiff Sophia Laferriere, a prisoner at the Airway Heights Corrections Center, filed this *pro se* Civil Rights Complaint with co-Plaintiff Graham Sherrill on May 23, 2022. ECF No. 1. By Order filed May 26, 2022, the Court directed that the action be severed, and each litigant proceed in her or his separate action. ECF No. 5.

On June 29, 2022, the Court granted Plaintiff leave to proceed *in forma pauperis*, advised her of the deficiencies of her *pro se* Civil Rights Complaint, and directed her to amend or voluntarily dismiss the Complaint within sixty (60) days.

1 See ECF Nos. 14 and 15. The Court also denied Plaintiff's construed motions to  
2 reconsider the Order severing the action. ECF No. 16.

3 In the Order to Amend or Voluntarily Dismiss, the Court determined that  
4 Plaintiff's factual allegations did not support a reasonable inference that any person  
5 amenable to suit under 42 U.S.C. § 1983 had violated the Eighth Amendment by  
6 responding to the COVID-19 pandemic with deliberate indifference. *See Fraihat*  
7 *v. United States Immigration & Customs Enf't*, 16 F.4th 613, 637 (9th Cir. 2021).  
8 ECF No. 15 at 6–12. Plaintiff also failed to present facts showing that the named  
9 Defendants acted with deliberate indifference to the threat of serious harm or  
10 injury to Plaintiff by another prisoner. *See Leer v. Murphy*, 844 F.2d 628, 633 (9th  
11 Cir. 1988); *Berg v. Kincheloe*, 794 F.2d 457, 460 (9th Cir. 1986); *see also* ECF No.  
12 15 at 12–13.

13 The Court cautioned Plaintiff that if she failed to amend her complaint as  
14 directed, the Court would dismiss her case for failure to state a claim under 28  
15 U.S.C. §§ 1915(e)(2) and 1915A(b)(1). *Id.*, at 17. Plaintiff did not comply with  
16 the Court's directives and has filed nothing further in this action. Therefore, it  
17 appears that Plaintiff has abandoned this litigation.

18 For the reasons set forth above and in the Order to Amend or Voluntarily  
19 Dismiss Complaint, ECF No. 15, **IT IS ORDERED** that this action is  
20 **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief  
21 may be granted under 28 U.S.C. § 1915(e)(2).

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

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

15 **DATED** August 31, 2022.

16  
17 s/ Rosanna Malouf Peterson  
18 ROSANNA MALOUF PETERSON  
19 Senior United States District Judge  
20  
21