

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

Jul 09, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CARLOS TORRES MEDRANO, JR,

Plaintiff,

v.

CAITLIN BAUNSGARD,

Defendant.

NO: 2:18-CV-00044-SMJ

ORDER DISMISSING ACTION

1915(g)

By Order filed March 21, 2018, the Court advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days. ECF No. 8. A copy of the order was returned as undeliverable on April 2, 2018, ECF No. 10. When Plaintiff notified the Court of his change of address, these documents were sent to Plaintiff at the Benton County Jail and the deadline to comply was administratively extended to June 23, 2018. ECF No. 12.

Plaintiff, a federal pretrial detainee, is proceeding *pro se* and *in forma pauperis* in this civil action pursuant to *Bivens v. Six Unknown Federal Narcotics*

1 *Agents*, 403 U.S. 388 (1971). His claim of malicious prosecution failed to state a
2 claim upon which relief could be granted, as the named Defendant was entitled to
3 prosecutorial immunity from liability for damages. *Imbler v. Pachtman*, 424 U.S.
4 409, 427-30 (1976). Plaintiff did not comply with the Court's directive to amend or
5 voluntarily dismiss and has filed nothing further in this action.

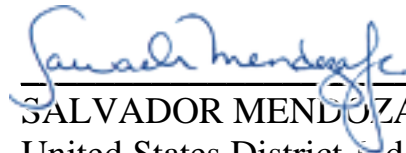
6 For the reasons set forth above and in the Court's prior Order, ECF No. 8.
7 **IT IS ORDERED** that the complaint, ECF No. 7, is **DISMISSED with prejudice**
8 for failure to state a claim upon which relief may be granted under 28 U.S.C. §§
9 1915(e)(2) and 1915A(b)(1). *See Milstein v. Cooley*, 257 F.3d 1004, 1007, 1013
10 (9th Cir. 2001).

11 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who
12 brings three or more civil actions or appeals which are dismissed as frivolous or for
13 failure to state a claim will be precluded from bringing any other civil action or
14 appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious
15 physical injury." 28 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory**
16 **provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may**
17 **count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may**
18 **adversely affect his ability to file future claims.**

19 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
20 enter Judgment, provide copies to Plaintiff at his last known address, and **CLOSE**

1 the file. The Clerk of Court is further directed to provide a copy of this Order to
2 the Office of the Attorney General of Washington, Corrections Division. The Court
3 certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not
4 be taken in good faith and would lack any arguable basis in law or fact.

5 **DATED** this 9th day of July 2018.

6 
7 SALVADOR MENDOZA, JR.
8 United States District Judge