

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

**Feb 01, 2019**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSE CONTRERAS,

Plaintiff,

v.

CITY OF KENNEWICK

Defendant.

NO: 4:18-CV-5150-RMP

ORDER DISMISSING ACTION

**1915(g)**

By Order filed November 6, 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. 11. Plaintiff, a prisoner at the Airway Heights Corrections Center, is proceeding *pro se* and *in forma pauperis*; Defendant has not been served.

In his complaint, ECF No. 6, Plaintiff failed to state a claim against City of Kennewick upon which relief may be granted. *Monell v. Dep't of Soc. Servs. of the City of N.Y.*, 436 U.S. 658, 690 (1978); *Dalia v. United States*, 441 U.S. 238, 258 (1979); *Stone v. Agnos*, 960 F.2d 893, 895 (9th Cir. 1992). Although granted

1 the opportunity to do so, Plaintiff did not correct the deficiencies of his complaint.  
2 Therefore, **IT IS ORDERED** that this action is **DISMISSED with prejudice** for  
3 failure to state a claim upon which relief may be granted under 28 U.S.C. §§  
4 1915(e)(2) and 1915A(b)(1).

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

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

18 **DATED** February 1, 2019.

19  
20 s/ Rosanna Malouf Peterson  
ROSANNA MALOUF PETERSON  
United States District Judge