

1 as abusive under 28 U.S.C. § 1915(e). *See Cato v. United States*, 70 F.3d 1103,  
2 1105 n. 2 (9th Cir. 1995); *Aziz v. Burrows*, 976 F.2d 1158, 1158–59 (9th Cir.  
3 1992); *Adams v. California Dept. of Health Services*, 487 F.3d 684, 688 (9th Cir.  
4 2007).

5 Plaintiff is currently housed at Comprehensive Health Care - Yakima  
6 Competency Restoration, and is proceeding *in forma pauperis*, but without the  
7 obligation to pay the \$350.00 filing fee for this action. ECF No. 7. The Court  
8 cautioned Plaintiff regarding the preclusive effect that a dismissal of this action on  
9 the grounds enumerated in 28 U.S.C. § 1915(g) could have on his future ability to  
10 proceed *in forma pauperis* while a prisoner. ECF No. 8 at 10. Nevertheless,  
11 Plaintiff did not avail himself of the opportunity to voluntarily dismiss this action.

12 For the reasons set forth above, and in the Court’s Order Granting Leave to  
13 Voluntarily Dismiss, ECF No. 8, **IT IS ORDERED** that this action is  
14 **DISMISSED with prejudice** as frivolous, malicious, and for failure to state a  
15 claim upon which relief may be granted under 28 U.S.C. § 1915(e)(2).

16 Pursuant to 28 U.S.C. § 1915(g) a prisoner who brings three or more civil  
17 actions or appeals which are dismissed as frivolous or for failure to state a claim  
18 will be precluded from bringing any other civil action or appeal *in forma pauperis*  
19 “unless the prisoner is under imminent danger of serious physical injury.” 28  
20 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory provisions of 28**  
21 **U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the**