

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

Jun 08, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES JOSEPH REEVIS, V,
(a.k.a. Baby RICO)

Plaintiff,

v.

SPOKANE COUNTY SUPERIOR
COURTS, EASTERN STATE
HOSPITAL, and SPOKANE
COUNTY POLICE DEPARTMENT,

Defendants.

NO: 2:20-CV-00458-RMP

ORDER DISMISSING ACTION

§ 1915(g)

By Order filed April 13, 2021, the Court granted Plaintiff Charles Joseph Reeves thirty days to voluntarily dismiss this action. ECF No. 14. The Court found that Mr. Reeves's *pro se* complaint, filed while he was incarcerated at the Spokane County Corrections Center, did not name Defendants amenable to suit under 42 U.S.C. § 1983 and his claims were duplicative of those presented in other actions. *See id.* at 5–9. Consequently, Plaintiff's claims were subject to dismissal as abusive under 28 U.S.C. § 1915(e). *See Cato v. United States*, 70 F.3d 1103,

1 1105 n. 2 (9th Cir. 1995); *Aziz v. Burrows*, 976 F.2d 1158, 1158–59 (9th Cir.
2 1992); *Adams v. California Dept. of Health Services*, 487 F.3d 684, 688 (9th Cir.
3 2007).

4 Plaintiff is currently housed at Comprehensive Health Care - Yakima
5 Competency Restoration, and is proceeding *in forma pauperis*, but without the
6 obligation to pay the \$350.00 filing fee for this action. ECF No. 13. The Court
7 cautioned Plaintiff regarding the preclusive effect that a dismissal of this action on
8 the grounds enumerated in 28 U.S.C. § 1915(g) could have on his future ability to
9 proceed *in forma pauperis* while a prisoner. ECF No. 14 at 9. Nevertheless,
10 Plaintiff did not avail himself of the opportunity to voluntarily dismiss this action.

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

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

1 ability to file future claims *in forma pauperis*.

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

8 **DATED** June 8, 2021.

9
10 s/ Rosanna Malouf Peterson
11 ROSANNA MALOUF PETERSON
12 United States District Judge
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