

Nov 18, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DREW R. THOMPSON,

Plaintiff,

v.

DONALD HOLBROOK, MICHELE,
and BRADLEY,

Defendants.

No: 4:21-CV-5113-RMP

ORDER DISMISSING ACTION

§ 1915(g)

By Order filed September 16, 2021, the Court advised Plaintiff, a prisoner at the Washington State Penitentiary, of the deficiencies of his Complaint and directed him to amend or voluntarily dismiss within sixty (60) days. ECF No. 9. Plaintiff is proceeding *pro se* and *in forma pauperis*. Defendants have not been served.

The Court cautioned Plaintiff that if he failed to comply with the directives in the Order to Amend or Voluntarily Dismiss Complaint, ECF No. 9, the Court would dismiss his Complaint seeking relief in the form of monetary damages and a transfer to Oregon, claiming that his right to practice religion without persecution

1 has been violated. ECF No. 1 at 5, 8. Specifically, Plaintiff failed to allege facts
2 from which the Court could infer that Defendants violated his First Amendment
3 right to freedom of religion. He also failed to present facts to support a plausible
4 First Amendment retaliation claim.

5 Plaintiff did not comply with the Court's Order and has filed nothing further
6 in this action. Therefore, for the reasons set forth above and in the Court's prior
7 Order, ECF No. 9, **IT IS ORDERED** that this action is **DISMISSED with**
8 **prejudice** for failure to state a claim upon which relief may be granted under 28
9 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

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

18 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
19 Order, enter judgment of dismissal with prejudice, provide copies to Plaintiff, and
20 **close the file.** The District Court Clerk is further directed to provide a copy of this
21 Order to the Office of the Attorney General of Washington, Corrections Division.

1 The Court certifies that any appeal of this dismissal would not be taken in good
2 faith.

3 **DATED** November 18, 2021.

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5 *s/ Rosanna Malouf Peterson*
6 ROSANNA MALOUF PETERSON
7 United States District Judge
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