

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

Jul 08, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

COREY TROSCLAIR,

Plaintiff,

v.

JO PHILIPS, DONALD
HOLBROOK, JOHN SMITH, CARE
REVIEW COMMITTEE, SARCE
KAVICKO, and JOHN/JANE DOE,

Defendants.

NO: 4:19-CV-5232-RMP

ORDER DISMISSING ACTION

1915(g)

By Order filed June 2, 2020, the Court advised Plaintiff of the deficiencies in his First Amended Complaint and directed him to amend for a second time or voluntarily dismiss within thirty (30) days. ECF No. 13. Plaintiff, a prisoner at the Washington State Penitentiary (“WSP”), is proceeding *pro se* and *in forma pauperis*. Defendants have not been served.

In his First Amended Complaint, ECF No. 12, Plaintiff failed to state a claim against any of the Defendants upon which relief may be granted. *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 71 (1989); *Sanchez v. Vild*, 891 F.2d 240, 242

1 (9th Cir. 1989); *Hernandez v. Johnston*, 833 F.2d 1316, 1318 (9th Cir.1987); *Olim*
2 *v. Wakinekona*, 461 U.S. 238, 245–49 (1983). Although granted the opportunity to
3 do so, Plaintiff did not correct the deficiencies in his First Amended Complaint.
4 Therefore, **IT IS ORDERED** that this action is **DISMISSED with prejudice** for
5 failure to state a claim upon which relief may be granted under 28 U.S.C. §§
6 1915(e)(2) and 1915A(b)(1).

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

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