

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cramer v. Macomber

Cramer · No. 1:25-cv-00489 JLT SAB (PC) · Decided May 29, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations concerning Matthew B. Cramer’s application to proceed in forma pauperis. The court determined that Plaintiff had accumulated three qualifying strikes under 28 U.S.C. § 1915(g) and had not shown imminent danger of serious physical injury. The court denied in forma pauperis status and directed Plaintiff to pay the \$405 filing fee within 30 days of service or face dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 29, 2025
DOCKET	1:25-cv-00489 JLT SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's findings and recommendations recommending denial of Plaintiff's application to proceed in forma pauperis.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Nonprecedential district-court order
PARTIES	Matthew B. Cramer v. Jeff Macomber, et al.

TOPICS

- prisoners rights
- section 1983
- civil rights
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- in forma pauperis procedure
- federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff qualified to proceed in forma pauperis despite having three prior qualifying strikes under 28 U.S.C. § 1915(g).
2. Whether the imminent-danger exception to § 1915(g) applied to Plaintiff's allegations.

HOLDINGS

1. A prisoner with three qualifying strikes may not proceed in forma pauperis unless the complaint plausibly demonstrates that the prisoner was under imminent danger of serious physical injury when the action was filed. Because Plaintiff had three qualifying strikes and did not satisfy the exception, his application to proceed in forma pauperis was denied.
2. The district court adopted the findings and recommendations in full after conducting de novo review under 28 U.S.C. § 636(b)(1).

KEY QUOTATIONS

“The Findings and Recommendations filed on May 2, 2025 (Doc. 9) are ADOPTED in full.” (at 2)

“Plaintiff’s motion to proceed in forma pauperis (Doc. 2) is DENIED.” (at 2)

“Within 30 days from the date of service of this order, Plaintiff SHALL pay in full the \$405.00 to proceed with his action.” (at 2)

FACTUAL BACKGROUND

Matthew B. Cramer alleged that the CDCR director, Inspector General, the warden of Northern Kern State Prison, and correctional officers violated his civil rights while he was housed at Northern Kern State Prison. He sought leave to proceed in forma pauperis. The magistrate judge determined that three of his prior actions qualified as strikes and that his allegations of imminent danger were based on past and speculative dangers rather than an imminent danger existing when he filed the action.

PROCEDURAL HISTORY

Plaintiff filed a prisoner civil-rights action and applied to proceed in forma pauperis. The magistrate judge found that Plaintiff had three qualifying strikes under 28 U.S.C. § 1915(g) and that he had not shown imminent danger of serious physical injury, recommending denial of in forma pauperis status. Plaintiff filed no objections, and the district court conducted de novo review, adopted the findings and recommendations, denied the application, and ordered Plaintiff to pay the filing fee within 30 days.

DISPOSITION

other

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

(PC) Cramer v. Macomber

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 MATTHEW B. CRAMER, Case No. 1:25-cv-00489 JLT SAB (PC) 12 Plaintiff, ORDER
ADOPTING FINDINGS AND

RECOMMENDATIONS, DENYING

13 v. PLAINTIFF'S APPLICATION TO PROCEED

IN FORMA PAUPERIS, AND DIRECTING

14 JEFF MACOMBER, et al., PLAINTIFF TO PAY FILING FEE WITHIN

20 DAYS

15 Defendants. (Docs. 2, 9) 16 17 Matthew B. Cramer seeks to proceed in forma pauperis in this
action, in which he alleges 18 the defendants—including the CDCR director, Inspector General,
the warden of Norther Kern 19 State Prison, and several correctional officers—violated his civil
rights while housed at NKSP. 20 (Doc. 1.) Plaintiff requests to proceed in forma pauperis in this
action. (Doc. 2.) 21 The magistrate judge reviewed Plaintiff's litigation history and identified three
actions 22 that qualified as strikes under 28 U.S.C. § 1915(g). (Doc. 9 at 2.) In addition, the
magistrate 23 judge found Plaintiff's "allegations fail to demonstrate imminent danger of serious
physical injury 24 at the time of filing." (Id. at 3.) In so finding, the magistrate judge observed that
Plaintiff's 25 imminent danger allegations were based on past dangers while housed at NSKP and
were 26 speculative in nature. (Id. at 3-4.) Therefore, the magistrate judge found the imminent
danger 27 exception to Section 1915 does not apply and recommended that the Court deny the
motion to 28 proceed in forma pauperis. (Id. at 5.) 1 The Court served the Findings and
Recommendations on Plaintiff and notified him that 2 | any objections were due within 14 days.
(Doc. 9 at 5.) The Court advised Plaintiff the "failure to 3 | file any objections within the specified
time may result in the waiver of certain rights on appeal." 4 | Ud. at 5, citing Wilkerson v. Wheeler,
772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file 5 | objections and the time to do so has
passed. 6 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case.
7 | Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
8 || are supported by the record and proper analysis. Thus, the Court ORDERS: 9 1. The Findings
and Recommendations filed on May 2, 2025 (Doc. 9) are 10 ADOPTED in full. 11 2. Plaintiff's
motion to proceed in forma pauperis (Doc. 2) is DENIED. 12 3. Within 30 days from the date of
service of this order, Plaintiff SHALL pay in full 13 the \$405.00 to proceed with his action. 14
Plaintiff is advised that failure to pay the required filing fee as ordered will result in 15 the
dismissal of this action without prejudice. 16 7 IT IS SO ORDERED. 1g | Dated: _May 28, 2025
Charis [Tourn

TED STATES DISTRICT JUDGE

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