

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PRECEDENTIAL VALUE	Nonprecedential district-court order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)

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