

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Nina Mae Becker v. State of Arizona, et al.

No. CV-25-04270-PHX-JAT (ESW) (D. Ariz. Dec. 5, 2025) · No. No. CV-25-04270-PHX-JAT (ESW) · Decided
December 8, 2025

OPINION

Becker

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Nina Mae Becker, No. CV-25-04270-PHX-JAT (ESW) 10 Plaintiff,

11 v. ORDER TO SHOW CAUSE

12 State of Arizona, et al., 13 Defendants. 14 15 On November 14, 2025, Plaintiff Nina Mae
Becker, who is confined in a Maricopa 16 County Jail, filed a pro se civil rights Complaint
pursuant to 42 U.S.C. § 1983 and an 17 Application to Proceed In Forma Pauperis. Because it
appears that Plaintiff has at least 18 “three strikes” under 28 U.S.C. § 1915(g), the Court will
permit Plaintiff an opportunity to 19 show cause why the dismissals of her prior lawsuits should
not prevent her from proceeding 20 in forma pauperis in this action. 21 I. “Three Strikes
Provision” of 28 U.S.C. § 1915(g) 22 A prisoner may not bring a civil action or appeal a civil
judgment in forma pauperis 23 (“IFP”) if: 24 the prisoner has, on 3 or more prior occasions, while
incarcerated or detained in any facility, brought an action or 25 appeal in a court of the United
States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim 26
upon which relief may be granted, unless the prisoner is under 27 imminent danger of serious
physical injury. 28 28 U.S.C. § 1915(g). 1 “[Section] 1915(g) should be used to deny a prisoner’s
IFP status only when, after 2 careful evaluation of the order dismissing an action, and other
relevant information, the 3 district court determines that the action was dismissed because it was
frivolous, malicious 4 or failed to state a claim.” *Andrews v. King*, 398 F.3d 1113, 1121 (9th Cir.
2005). “In 5 some instances, the district court docket records may be sufficient to show that a prior
6 dismissal satisfies at least one of the criteria under § 1915(g) and therefore counts as a 7 strike.”
Id. at 1120. 8 It appears that at least three of Plaintiff’s prior actions or appeals qualify as “strikes”
9 under § 1915(g): 10

(1) *Becker v. Federal Bureau of Prisons*, CV-18-02791-PHX-JAT

11 (BSB) (dismissed Oct. 29, 2018 for failure to state a claim); 12

(2) *Becker v. Penzone*, CV 23-01216-PHX-JAT (ESW) (dismissed

13 Dec. 20, 2023 for failure to state a claim); and

(3) Becker v. Mayes, CV-25-03333-PHX-JAT (ESW) (dismissed 15 Nov. 17, 2025 for failure to state a claim).

16 17 II. Imminent Danger 18 A plaintiff who has three or more strikes may not bring a civil action without 19 complete prepayment of the \$350.00 filing fee and \$55.00 administrative fee unless she is 20 in imminent danger of serious physical injury. 28 U.S.C. § 1915(g). To meet the 21 “imminent danger” requirement, the “threat or prison condition [must be] real and 22 proximate,” *Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir. 2003) (quoting *Lewis v. 23 Sullivan*, 279 F.3d 526, 531 (7th Cir. 2002)), and the allegations must be “specific or 24 credible.” *Kinnell v. Graves*, 265 F.3d 1125, 1128 (10th Cir. 2001). “[T]he exception 25 applies if the complaint makes a plausible allegation that the prisoner faced ‘imminent 26 danger of serious physical injury’ at the time of filing.” *Andrews v. Cervantes*, 493 F.3d 27 1047, 1055 (9th Cir. 2007) (quoting § 1915(g)). Moreover, although a court considering a 28 motion to proceed in forma pauperis, “should not attempt to evaluate the seriousness of a 1 plaintiff’s claims[, . . .] it has never been the rule that courts must blindly accept a 2 prisoner’s allegations of imminent danger.” *Taylor v. Watkins*, 623 F.3d 483, 485 (7th Cir. 3 2010). 4 Plaintiff makes allegations regarding her inability to vote and run for political office 5 while incarcerated. These allegations do not show that Plaintiff is in imminent danger of 6 serious physical injury. 7 III. Order to Show Cause 8 “[O]nce a prisoner has been placed on notice of the potential disqualification under 9 § 1915(g) . . . , the prisoner bears the ultimate burden of persuading the court that § 1915(g) 10 does not preclude IFP status.” *Andrews*, 398 F.3d at 1120. This Order serves as notice of 11 Plaintiff’s potential disqualification under § 1915(g). The Court will permit Plaintiff an 12 opportunity to show cause in writing why the dismissals of her prior lawsuits and appeal 13 do not preclude her in forma pauperis status under § 1915(g). Plaintiff’s response to this 14 Order shall be limited to this issue and must be filed within 30 days of the date this Order 15 is filed. Alternatively, Plaintiff may submit the \$405.00 filing and administrative fees 16 within 30 days of the date this Order is filed. 17 If Plaintiff fails to timely respond to this Order or fails to persuade the Court that 18 § 1915(g) does not preclude her in forma pauperis status, Plaintiff’s Application to Proceed 19 will be denied, and the Complaint and this action will be dismissed without prejudice 20 pursuant to § 1915(g). If Plaintiff wishes to reassert these claims in the future, she must 21 prepay the entire \$405.00 filing and administrative fees when she files her action. 22 IV. Warnings 23 A. Address Changes 24 Plaintiff must file and serve a notice of a change of address in accordance with Rule 25 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other 26 relief with a notice of change of address. Failure to comply may result in dismissal of this 27 action. 28 1 B. Possible Dismissal 2 If Plaintiff fails to ttmely comply with every provision of this Order, including these warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*, 4} 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure 5) comply with any order of the Court). 6| ITIS ORDERED: 7 (1) —

Plaintiff is ORDERED TO SHOW CAUSE, in writing, within 30 days of 8 | the date this Order is filed, why the dismissals of her prior actions or appeals do not 9 preclude her in forma pauperis status under § 1915(g). Plaintiff's written response shall 10 | be limited to this issue only. 11 (2) If Plaintiff fails to either pay the \$350.00 filing fee and \$55.00 administrative fee or file a response to this Order to Show Cause within 30 days of the date this Order is 13 | filed, the Clerk of Court must enter a judgment of dismissal of this action without further notice to Plaintiff and without prejudice to Plaintiff filing a complaint in a new case 15 | accompanied by prepayment of the full \$405.00 filing and administrative fees and must deny any pending unrelated motions as moot. 17 Dated this 5th day of December, 2025. 18 20 1 _ James A. Teil Org Senior United States District Judge 22 23 24 25 26 27 28