

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Juan Carlos Calderon v. H.E. Moseley, et al.

No. 2:25-cv-3223 AC P · No. No. 2:25-cv-3223 AC P · Decided November 13, 2025

SUMMARY

The United States District Court for the Eastern District of California addresses Juan Carlos Calderon’s application to proceed in forma pauperis in a prisoner civil rights action. The court finds that Calderon has at least three qualifying strikes under 28 U.S.C. § 1915(g), concludes that he has not plausibly alleged imminent danger of serious physical injury, and recommends denying in forma pauperis status and requiring payment of the full filing fee.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 13, 2025
DOCKET	No. 2:25-cv-3223 AC P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se filed a civil-rights action and applied to proceed in forma pauperis. A magistrate judge issued an order and findings and recommendations concluding that the prisoner had at least three qualifying strikes under 28 U.S.C. § 1915(g) and had not shown imminent danger of serious physical injury.
STANDARD OF REVIEW	The court evaluated whether plaintiff’s prior cases qualified as strikes under 28 U.S.C. § 1915(g) and whether the complaint plausibly alleged imminent danger of serious physical injury at the time of filing.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff had at least three prior actions or appeals dismissed on grounds qualifying as strikes under 28 U.S.C. § 1915(g).
2. Whether plaintiff plausibly alleged that he was under imminent danger of serious physical injury at the time he filed the complaint, such that the statutory exception to the three-strikes bar applied.
3. Whether plaintiff should be denied in forma pauperis status and required to pay the full filing fee or face dismissal.

HOLDINGS

1. Plaintiff was precluded from proceeding in forma pauperis because at least three of his prior federal actions or appeals had been dismissed as frivolous or for failure to state a claim, and none of those strikes had been overturned.
2. Plaintiff did not satisfy the imminent-danger exception because the complaint did not plausibly allege that he faced an imminent danger of serious physical injury at the time of filing, and it did not establish the required nexus between the alleged danger and the legal violations asserted.

KEY QUOTATIONS

“[i]n no event shall a prisoner bring a civil action or appeal a judgement in a civil action or proceeding under this section if the prisoner has, on 3 or more occasions, while incarcerated or detained in any facility, brought an action or 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 upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” (at 1)

“[T]he imminent danger exception to the PLRA three-strikes provision requires a nexus between the alleged imminent danger and the violations of law alleged in the complaint” (at 3)

FACTUAL BACKGROUND

Plaintiff, a state prisoner, alleged that numerous named and unnamed defendants had violated his rights over approximately twenty-five years through alleged invasions of privacy, harmful chemicals, inadequate medical care, isolation, assaults, and other conduct. The allegations were largely vague, conclusory, and nonspecific. The most recent alleged assault occurred approximately five months before the complaint was filed, and the court found no plausible allegation of an imminent risk of serious physical injury at filing. The court identified three prior qualifying dismissals involving plaintiff.

PROCEDURAL HISTORY

Plaintiff filed this action and an application to proceed in forma pauperis. The magistrate judge reviewed plaintiff's prior federal cases, took judicial notice of those proceedings, found three qualifying strikes, and determined that the imminent-danger exception was not satisfied. The magistrate judge recommended denial of

in forma pauperis status and an order requiring payment of the full filing fee within thirty days or dismissal; the recommendation was submitted to an assigned district judge under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Rodriguez v. Cook, 169 F.3d 1176, 1178 (9th Cir. 1999)
- Andrews v. King, 398 F.3d 1113, 1121 (9th Cir. 2005)
- O’Neal v. Price, 531 F.3d 1146, 1153 (9th Cir. 2008)
- Harris v. Mangum, 863 F.3d 1133, 1142-43 (9th Cir. 2017)
- United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992)
- Andrews v. Cervantes, 493 F.3d 1047, 1053, 1055 (9th Cir. 2007)
- Ray v. Lara, 31 F.4th 692, 695 (9th Cir. 2022)
- Richey v. Dahne, 807 F.3d 1202, 1208 (9th Cir. 2015)
- Coleman v. Tollefson, 575 U.S. 532, 538 (2015)
- Houston v. Lack, 487 U.S. 266, 276 (1988)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)