

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Harper v. Campbell

Harper v. Campbell · No. 1:24-cv-1549 JLT EPG (PC) · Decided March 24, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in Daniel Harper’s civil-rights action concerning conditions at Corcoran State Prison. The court denied Harper’s applications to proceed in forma pauperis, denied his motion concerning imminent danger, and ordered him to pay the \$405 filing fee within 30 days 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	March 24, 2025
DOCKET	1:24-cv-1549 JLT EPG (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought leave to proceed in forma pauperis in a prisoner civil-rights action. After a magistrate judge recommended denial under the three-strikes provision of 28 U.S.C. § 1915(g), plaintiff filed a motion concerning imminent danger rather than specific objections. The district court conducted de novo review, adopted the findings and recommendations, denied both in forma pauperis applications, and ordered plaintiff to pay the filing fee.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- prisoners rights
- civil rights
- civil procedure
- appellate procedure

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether plaintiff qualified for the imminent-danger exception to the three-strikes limitation on proceeding in forma pauperis under 28 U.S.C. § 1915(g).
2. Whether the magistrate judge's findings and recommendations should be adopted after de novo review under 28 U.S.C. § 636(b)(1).
3. Whether plaintiff's second application to proceed in forma pauperis and motion to show imminent danger should be denied.

HOLDINGS

1. Plaintiff did not qualify for the imminent-danger exception because his allegations did not show a real and imminent threat to his personal safety, and he had accumulated four qualifying strikes.
2. The district court adopted the magistrate judge's findings and recommendations in full after conducting de novo review under 28 U.S.C. § 636(b)(1).
3. Plaintiff's applications to proceed in forma pauperis were denied, and he was ordered to pay the \$405 filing fee within 30 days.

KEY QUOTATIONS

“Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis.” (at 3)

“failure to pay the required filing fee as ordered will result in the dismissal of this action without prejudice.” (at 4)

FACTUAL BACKGROUND

Daniel Harper alleges that defendants violated his civil rights while he was housed at Corcoran State Prison. His allegations concerned the failure to send appeal responses in time, allegedly violating the California Code of Regulations. The district court found that these allegations did not show a real and imminent threat to his personal safety and that four prior actions qualified as strikes under § 1915(g).

PROCEDURAL HISTORY

The magistrate judge found that plaintiff had accumulated four qualifying strikes under § 1915(g) and that his allegations did not establish a real and imminent threat to his personal safety. The findings and recommendations were served, but plaintiff filed no specific objections; he instead filed a motion to show imminent danger, a notice of appeal, and a second in forma pauperis motion. The Ninth Circuit dismissed the appeal for lack of jurisdiction on February 28, 2025, and issued its mandate on March 24, 2025. The district court then adopted the findings and recommendations in full and ordered payment of 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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