

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Bonilla v. Plourd

Bonilla · No. 25cv0454-DMS (LR) · Decided March 24, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Steven Wayne Bonilla’s 42 U.S.C. § 1983 action for failing to pay the required filing fee or submit a properly supported in forma pauperis application. The court also determined that Bonilla was barred from proceeding in forma pauperis under the Prison Litigation Reform Act’s three-strikes provision because he had accumulated more than three qualifying dismissals and had not plausibly alleged imminent danger of serious physical injury.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Dana M. Sabraw
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 24, 2025
DOCKET	25cv0454-DMS (LR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a 42 U.S.C. § 1983 civil-rights complaint but neither paid the required filing fee nor submitted a properly supported application to proceed in forma pauperis. The district court dismissed the action and directed entry of final judgment.
STANDARD OF REVIEW	The court reviewed the complaint and available court dockets to determine whether Plaintiff qualified to proceed in forma pauperis under 28 U.S.C. § 1915(g), including whether he plausibly alleged imminent danger of serious physical injury.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Steven Wayne Bonilla v. Christopher J. Plourd, Ruth Bermudez Montenegro, L. Brooks Anderholt, John Doe 1-1000

TOPICS

prisoners rights

section 1983

civil procedure

PRACTICE AREAS

civil procedure

prisoner civil rights

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the action could proceed when Plaintiff had not paid the filing fee required by 28 U.S.C. § 1914(a) or filed a properly supported IFP application.
2. Whether Plaintiff was barred from proceeding in forma pauperis under the PLRA three-strikes provision, 28 U.S.C. § 1915(g).
3. Whether Plaintiff satisfied the imminent-danger exception to the PLRA three-strikes bar.

HOLDINGS

1. A civil action may not proceed when the plaintiff has neither paid the filing fee required by 28 U.S.C. § 1914(a) nor obtained leave to proceed in forma pauperis under § 1915(a).
2. A prisoner who has accumulated three or more prior dismissals qualifying under 28 U.S.C. § 1915(g) may not proceed in forma pauperis in a new civil action unless the prisoner satisfies the imminent-danger exception.
3. The imminent-danger exception to § 1915(g) requires a plausible allegation that the prisoner faced imminent danger of serious physical injury at the time of filing; the danger must also be fairly traceable to the alleged unlawful conduct and redressable by the court.

KEY QUOTATIONS

“Strikes are prior cases or appeals, brought while the plaintiff was a prisoner, which were dismissed on the ground that they were frivolous, malicious, or failed to state a claim” (at 4)

“Pursuant to § 1915(g), a prisoner with three strikes or more cannot proceed IFP.” (at 5)

“When a prisoner-litigant ‘has accumulated three prior dismissals on statutorily enumerated grounds[,] . . . a court may not afford him in forma pauperis status with respect to his additional civil actions.’” (at 7)

FACTUAL BACKGROUND

Steven Wayne Bonilla, an incarcerated California prisoner, filed a § 1983 complaint concerning an alleged lack of a federal grand-jury subpoena for evidence presented in his state criminal trial and alleging malicious, conspiratorial, and discriminatory prosecution. He sought to sue judges and court clerks for refusing to recognize his conviction as void. He neither paid the required civil filing fee nor filed a properly supported IFP application. The court found from available court dockets that Bonilla had accumulated far more than three qualifying PLRA strikes and had not alleged imminent danger of serious physical injury.

PROCEDURAL HISTORY

Bonilla filed a prisoner civil-rights complaint in the Southern District of California. He did not pay the \$405 filing and administrative fee and did not file a properly supported IFP motion. The court further determined that he had accumulated more than three qualifying PLRA strikes and had not plausibly alleged imminent danger of serious physical injury. The court dismissed the case, directed the Clerk to enter final judgment and close the file, and certified that an appeal would not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- *Andrews v. Cervantes*, 493 F.3d 1047, 1051-52, 1055 (9th Cir. 2007)
- *Hymas v. U.S. Dep't of the Interior*, 73 F.4th 763, 765, 767 (9th Cir. 2023)
- *Andrews v. King*, 398 F.3d 1113, 1116 n.1, 1119-20 (9th Cir. 2005)
- *Moore v. Maricopa Cnty. Sheriff's Office*, 657 F.3d 890, 892 (9th Cir. 2011)
- *Bruce v. Samuels*, 577 U.S. 82, 85 (2016)
- *Williams v. Paramo*, 775 F.3d 1182, 1185 (9th Cir. 2015)
- *Washington v. Los Angeles Cnty. Sheriff's Dep't*, 833 F.3d 1048, 1054 (9th Cir. 2016)
- *Tierney v. Kupers*, 128 F.3d 1310, 1312 (9th Cir. 1997)
- *O'Neal v. Price*, 531 F.3d 1146, 1153 (9th Cir. 2008)
- *El-Shaddai v. Zamora*, 833 F.3d 1036, 1042 (9th Cir. 2016)
- *Blakely v. Wards*, 738 F.3d 607, 615 (4th Cir. 2013)
- *Ray v. Lara*, 31 F.4th 692, 701 (9th Cir. 2022)
- *In re Steven Bonilla*, 2012 WL 216401, at *1, *3 (N.D. Cal. Jan. 24, 2012)
- *Kim v. Allison*, 87 F.4th 994, 998 n.3 (9th Cir. 2023)
- *United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992)
- *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001)
- *Rodriguez v. Cook*, 169 F.3d 1176, 1180 (9th Cir. 1999)
- *Coleman v. Tollefson*, 575 U.S. 532, 534 (2015)
- *Franklin v. Murphy*, 745 F.2d 1221, 1231 (9th Cir. 1984)