

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jamisi Jermaine Calloway v. Ronald Broom, et al.

No. 2:24-cv-02445 SCR P · No. No. 2:24-cv-02445 SCR P · Decided October 10, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends denying Jamisi Jermaine Calloway’s motion to proceed in forma pauperis because he is a three-strikes litigant and the complaint does not allege an imminent danger of serious physical injury. The court concludes that the alleged denial of dialysis and ADA services ended approximately ten months before filing and orders the Clerk to randomly assign a district judge; it recommends that plaintiff pay the filing fee within 30 days of adoption.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 10, 2025
DOCKET	No. 2:24-cv-02445 SCR P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se under 42 U.S.C. § 1983 filed a complaint and moved to proceed in forma pauperis. The magistrate judge issued an order assigning a district judge and findings and recommendations recommending denial of in forma pauperis status under the three-strikes provision of 28 U.S.C. § 1915(g).
STANDARD OF REVIEW	The court examined the complaint at the time of filing to determine whether it alleged imminent danger of serious physical injury sufficient to invoke the exception to 28 U.S.C. § 1915(g).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jamisi Jermaine Calloway v. Ronald Broom, et al.

TOPICS

- prisoners rights
- civil rights
- section 1983
- ada / disability
- civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

in forma pauperis proceedings

medical care

disability rights

QUESTIONS PRESENTED

1. Whether plaintiff, a three-strikes prisoner, alleged an ongoing imminent danger of serious physical injury at the time he filed the complaint so as to qualify for the exception to 28 U.S.C. § 1915(g).
2. Whether plaintiff's request to proceed in forma pauperis should be denied and plaintiff required to pay the filing fee.

HOLDINGS

1. The complaint did not allege imminent danger of serious physical injury because the alleged denial of dialysis and ADA services had ceased approximately ten months before the complaint was filed and therefore did not constitute an ongoing danger at the time of filing.

KEY QUOTATIONS

“The “imminent danger” exception applies at the time of filing the complaint.” (Opinion at 1)

“Thus, because the alleged harmful practice had long ceased, there was no “ongoing danger” when plaintiff initiated the action.” (Opinion at 2)

FACTUAL BACKGROUND

Plaintiff, an incarcerated state prisoner receiving hemodialysis, alleged that prison officials denied him medical care and ADA services between July 20, 2023, and November 8, 2023. He claimed that officials issued retaliatory rules violation reports and denied access to dialysis because he did not wear state prison clothing during ADA escorts, and that officials falsified records to state that he had refused dialysis. Plaintiff alleged that he was hospitalized thirteen times before the issue was resolved on November 8, 2023.

PROCEDURAL HISTORY

Plaintiff filed the action on September 5, 2024, along with an application to proceed in forma pauperis. The court determined from court records that plaintiff was a three-strikes litigant and considered whether the complaint alleged imminent danger of serious physical injury. Because the alleged denial of dialysis and ADA services had ended approximately ten months before filing, the magistrate judge recommended denial of in forma pauperis status and granted plaintiff thirty days from adoption of the recommendation to pay the filing fee.

DISPOSITION

other

CASES CITED

- Calloway v. Nieves, No. 2:19-cv-1792 KJM CKD P, 2020 WL 6074593 (E.D. Cal. Oct. 15, 2020), report and recommendation adopted, No. 2:19-cv-1792 KJM CKD P, 2021 WL 217451 (E.D. Cal. Jan. 21, 2021)

- *Andrews v. Cervantes*, 493 F.3d 1047, 1053, 1056-57 (9th Cir. 2007)
- *Williams v. Paramo*, 775 F.3d 1182, 1190 (9th Cir. 2015)
- *Calloway v. Naphcare Inc.*, No. 2:24-cv-2446 CKD P, 2024 WL 4466575 (E.D. Cal. Sept. 19, 2024)
- *Calloway v. Naphcare Inc.*, No. 2:24-cv-2446 CKD P, 2024 WL 4374452 (E.D. Cal. Oct. 2, 2024), reconsideration denied, No. 2:24-cv-2446 DJC CKD, 2025 WL 510324 (E.D. Cal. Feb. 14, 2025)
- *Martinez v. □□□□*, 951 F.2d 1153 (9th Cir. 1991)

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