

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jimmie Earl Stephens v. J. Shaffer, et al.

Stephens v. Shaffer · No. 2:24-cv-01785-DC-CSK (PC) · Decided December 30, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations denying Jimmie Earl Stephens’s application to proceed in forma pauperis. The court held that the three-strikes provision of 28 U.S.C. § 1915(g) applied and that Stephens had not shown imminent danger of serious physical injury, ordering him to pay the \$405 filing fee within 30 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 30, 2025
DOCKET	2:24-cv-01785-DC-CSK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations de novo after Plaintiff objected to the recommendation that his application to proceed in forma pauperis be denied under the PLRA's three-strikes provision.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	Unknown; district court order and no precedential-status designation appears in the source.

TOPICS

- prisoners rights
- civil rights
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- in forma pauperis proceedings
- PLRA litigation

QUESTIONS PRESENTED

1. Whether *Canell v. Lightner* overruled or displaced *Tierney v. Kupers* concerning whether dismissals occurring before the PLRA's enactment may qualify as strikes under 28 U.S.C. § 1915(g).
2. Whether Plaintiff established the imminent-danger exception to the PLRA's three-strikes rule based on alleged danger occurring before or after the filing of the complaint.
3. Whether the magistrate judge's findings and recommendations denying in forma pauperis status should be adopted after de novo review.

HOLDINGS

1. Canell did not overrule Tierney because the two cases addressed different issues: Tierney held that pre-PLRA dismissals may qualify as strikes, while Canell held that § 1915(g) does not apply retroactively when IFP status had already been granted before the PLRA's enactment.
2. The imminent-danger exception to § 1915(g) is determined by the conditions the prisoner faced when the complaint was filed, not by danger alleged to have existed only at an earlier or later time.
3. Plaintiff was not entitled to proceed in forma pauperis because he was subject to the three-strikes provision and failed to show that the imminent-danger exception applied.

KEY QUOTATIONS

“The availability of the imminent danger exception turns on the conditions a prisoner faced at the time the complaint was filed, not at some earlier or later time.” (at 2)

FACTUAL BACKGROUND

Jimmie Earl Stephens, a state prisoner, brought a civil-rights action under 42 U.S.C. § 1983 and sought to proceed in forma pauperis. The magistrate judge found that Stephens was subject to the PLRA's three-strikes provision and had not alleged specific facts showing imminent danger of serious physical injury when he filed the action on June 25, 2024, or the first amended complaint on October 31, 2024. Stephens objected, arguing that his prior strikes were invalid and that he had experienced ongoing imminent danger since 2022.

PROCEDURAL HISTORY

Plaintiff filed a 42 U.S.C. § 1983 action and an application to proceed in forma pauperis. The magistrate judge recommended denial of IFP status because Plaintiff had three qualifying strikes under 28 U.S.C. § 1915(g) and had not shown that he faced imminent danger of serious physical injury when he filed the action or first amended complaint. After Plaintiff objected, the district court adopted the findings and recommendations in full, ordered him to pay the \$405 filing fee within thirty days, and referred the matter for further proceedings.

DISPOSITION

other

CASES CITED

- Canell v. Lightner, 143 F.3d 1210 (9th Cir. 1997)
- Tierney v. Kupers, 128 F.3d 1310 (9th Cir. 1997)
- Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. 2007)

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