

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Nina Mae Becker v. State of Arizona, et al.

No. CV-25-04270-PHX-JAT (JZB) · No. No. CV-25-04270-PHX-JAT (JZB) · Decided January 13, 2026

SUMMARY

The United States District Court for the District of Arizona denied Nina Mae Becker’s applications to proceed in forma pauperis after determining that she had at least three qualifying strikes under 28 U.S.C. § 1915(g). The court found that her allegations concerning the inability to vote or run for political office while incarcerated did not establish imminent danger of serious physical injury. The complaint and action were dismissed without prejudice, and the court directed the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	James A. Teilborg
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 13, 2026
DOCKET	No. CV-25-04270-PHX-JAT (JZB)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights complaint under 42 U.S.C. § 1983 and an application to proceed in forma pauperis. After the court issued an order to show cause concerning the three-strikes provision of 28 U.S.C. § 1915(g), Plaintiff failed to respond and filed a notice of interlocutory appeal.
PRECEDENTIAL VALUE	Unknown
PARTIES	Nina Mae Becker v. State of Arizona, et al.

TOPICS

- prisoners rights
- section 1983
- appellate jurisdiction
- civil rights
- election law

PRACTICE AREAS

- Prisoner civil rights
- Federal civil procedure
- Appellate jurisdiction
- In forma pauperis proceedings
- Election law

QUESTIONS PRESENTED

1. Whether Plaintiff's notice of interlocutory appeal from the nonfinal order to show cause divested the district court of jurisdiction.
2. Whether Plaintiff qualified for in forma pauperis status despite at least three prior dismissals under 28 U.S.C. § 1915(g).
3. Whether Plaintiff satisfied the imminent-danger exception to § 1915(g) based on allegations concerning her inability to vote or run for political office while incarcerated.

HOLDINGS

1. A notice of appeal from a nonfinal, nonappealable order to show cause does not transfer jurisdiction to the appellate court, so the district court retained jurisdiction to resolve the case.
2. Plaintiff was not entitled to proceed in forma pauperis because the prior actions or appeals identified by the court qualified as at least three strikes under 28 U.S.C. § 1915(g), and Plaintiff failed to rebut that conclusion.
3. Plaintiff's allegations concerning her inability to vote and run for political office while incarcerated did not establish imminent danger of serious physical injury under § 1915(g).

KEY QUOTATIONS

“When a Notice of Appeal is defective in that it refers to a non-appealable interlocutory order, it does not transfer jurisdiction to the appellate court, and so the ordinary rule that the district court cannot act until the mandate has issued on the appeal does not apply.” (1)

“[Section] 1915(g) should be used to deny a prisoner’s IFP status only when, after careful evaluation of the order dismissing an action, and other relevant information, the district court determines that the action was dismissed because it was frivolous, malicious or failed to state a claim.” (1)

FACTUAL BACKGROUND

Nina Mae Becker, who was confined in the Maricopa County Jail, filed a pro se § 1983 complaint alleging that she could not vote or run for political office while incarcerated. The court identified at least three prior actions or appeals dismissed for failure to state a claim, and Becker did not dispute those dismissals or establish that she faced imminent danger of serious physical injury.

PROCEDURAL HISTORY

Plaintiff filed the complaint and an initial in forma pauperis application on November 14, 2025. The court issued an order to show cause on December 8, 2025, identifying prior dismissals that potentially qualified as strikes under § 1915(g). Plaintiff filed additional in forma pauperis applications and a notice of interlocutory appeal but did not respond to the order to show cause. The district court denied the in forma pauperis applications and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Nascimento v. Dummer, 508 F.3d 905, 908 (9th Cir. 2007)
- Andrews v. King, 398 F.3d 1113, 1120-21 (9th Cir. 2005)
- Ciarpaglini v. Saini, 352 F.3d 328, 330 (7th Cir. 2003)
- Lewis v. Sullivan, 279 F.3d 526, 531 (7th Cir. 2002)
- Kinnell v. Graves, 265 F.3d 1125, 1128 (10th Cir. 2001)
- Andrews v. Cervantes, 493 F.3d 1047, 1055 (9th Cir. 2007)
- Taylor v. Watkins, 623 F.3d 483, 485 (7th Cir. 2010)
- Becker v. Federal Bureau of Prisons, CV-18-02791-PHX-JAT (BSB)
- Becker v. Penzone, CV 23-01216-PHX-JAT (ESW)
- Becker v. Mayes, CV-25-03333-PHX-JAT (ESW)

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