

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Washington v. Broomfield

No. 1:25-cv-00958-SAB (PC) (E.D. Cal. Aug. 11, 2025) · No. No. 1:25-cv-00958-SAB (PC) · Decided August 11, 2025

SUMMARY

The document is an order directing random assignment of a district judge and a magistrate judge’s Findings and Recommendation in a prisoner civil-rights action under 42 U.S.C. § 1983. It recommends denying in forma pauperis status under the three-strikes provision of 28 U.S.C. § 1915(g) because the plaintiff did not plausibly allege imminent danger of serious physical injury and directing him to pay the filing fee. The recommendation is subject to objections within fourteen days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 11, 2025
DOCKET	No. 1:25-cv-00958-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se action under 42 U.S.C. § 1983 without paying the filing fee or submitting an application to proceed in forma pauperis. A magistrate judge issued findings and a recommendation that plaintiff be denied in forma pauperis status under the Prison Litigation Reform Act's three-strikes provision and be required to pay the filing fee.
STANDARD OF REVIEW	For the three-strikes inquiry, the court assessed whether plaintiff's complaint plausibly alleged that he faced imminent danger of serious physical injury when the complaint was filed. The imminent-danger exception is evaluated based on conditions existing at filing, and allegations must be plausible.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Roderick Washington v. Ronald Broomfield, et al.

TOPICS

prisoners rights

section 1983

civil procedure

PRACTICE AREAS

prisoner civil rights

in forma pauperis procedure

civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff was subject to the three-strikes bar under 28 U.S.C. § 1915(g).
2. Whether plaintiff plausibly alleged that he was under imminent danger of serious physical injury at the time he filed the complaint, thereby qualifying for the statutory exception to the three-strikes bar.
3. Whether plaintiff should be denied leave to proceed in forma pauperis and required to pay the filing fee.

HOLDINGS

1. Plaintiff had accumulated three or more qualifying strikes and was therefore precluded from proceeding in forma pauperis unless the imminent-danger exception applied.
2. Plaintiff failed to plausibly allege that he faced imminent danger of serious physical injury when he filed the complaint.

KEY QUOTATIONS

“in no event shall a prisoner bring a civil action ... under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” (at 1)

“The issue now becomes whether Plaintiff has met the imminent danger exception, which requires Plaintiff to show that he is under (1) imminent danger of (2) serious physical injury and which turns on the conditions he faced at the time he filed his complaint” (at 2)

“Therefore, Plaintiff does not establish an exception to the three-strikes rule of § 1915(g), and he is precluded from proceeding in forma pauperis and must pay the filing fee for this action to proceed.” (at 3)

FACTUAL BACKGROUND

Plaintiff alleged excessive force, sexual abuse, food deprivation, and deprivation of hygiene materials occurring from August 2000 through May 2005. He also alleged that he was falsely accused of indecent exposure in October 2005 and required to register as a sex offender. The court found that these allegations concerned events occurring many years before the complaint and did not establish an ongoing or imminent danger of serious physical injury when the action was filed.

PROCEDURAL HISTORY

Plaintiff filed the complaint on August 4, 2025, according to the court's discussion of the filing date. He neither paid the \$405 filing fee nor submitted an in forma pauperis application. After reviewing plaintiff's litigation

history, the court concluded that he had accumulated at least three qualifying strikes and had not plausibly alleged imminent danger of serious physical injury at the time of filing. The magistrate judge directed random assignment of a district judge and recommended denial of in forma pauperis status, subject to objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Silva v. Di Vittorio, 658 F.3d 1090, 1099-1100 (9th Cir. 2011)
- Andrews v. Cervantes, 493 F.3d 1047, 1050 (9th Cir. 2007)
- Andrews v. Cervantes, 493 F.3d 1047, 1053-1056 (9th Cir. 2007)
- Andrews v. Cervantes, 493 F.3d 1047, 1055 (9th Cir. 2007)
- Andrews v. Cervantes, 493 F.3d 1047, 1051-1052 (9th Cir. 2007)
- Andrews v. Cervantes, 493 F.3d 1047, 1056-1057 (9th Cir. 2007)
- Valerio v. Boise Cascade Corp., 80 F.R.D. 626, 634 n.1 (N.D. Cal. 1978)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-839 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)
- Washington v. Cambra, Case No. 3:95-cv-3356 TEH (N.D. Cal. Oct. 2, 1995)
- Washington v. Cambra, Case No. 3:95-cv-3641 TEH (N.D. Cal. Nov. 7, 1995)
- Washington v. Cambra, No. 3:95-cv-3763 TEH (N.D. Cal. Nov. 20, 1995)
- Washington v. Gomez, 1998 WL 296370 (N.D. Cal. June 1, 1998)
- Washington v. Gomez, 1996 WL 724895 (N.D. Cal. Dec. 4, 1996)
- Washington v. Gomez, 1996 WL 682026 (N.D. Cal. Nov. 15, 1996)
- Washington v. Gomez, 1996 WL 557609 (N.D. Cal. Sept. 19, 1996)
- Washington v. Cambra, 1996 WL 479069 (N.D. Cal. Aug. 13, 1996)
- Washington v. Cambra, 1996 WL 478965 (N.D. Cal. Aug. 12, 1996)
- Washington v. Early, Case No. 1:99-cv-6590 OWW LJO P (E.D. Cal.)