FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 08, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

ALBERTO SANCHEZ,

Plaintiff,

v.

DR. ERIC D. DANT, RN C. STRAND, SERGEANT WHEEZBUM, SERGEANT MAJOR, RN COFFMAN, DR. SMITH, DR. JAMIE CHARES, RN2 BAILEY, DR. HANNAH, ALIJAGIC, SGT. LUTTON, and MICHELLE FOX,

Defendants.

No. 2:24-CV-305-MKD

ORDER DISMISSING ACTION

1915(g)

By Order filed March 3, 2025, the Court advised Plaintiff Alberto Sanchez, an individual currently housed at the Washington State Penitentiary, of the deficiencies of his First Amended Complaint (FAC) and directed him to amend or voluntarily dismiss his FAC within thirty (30) days. ECF No. 17. Plaintiff is proceeding *pro se* and *in forma pauperis*. Defendants have not been served.

The Court cautioned Plaintiff that if he failed to comply with the directives in the Order, the Court would dismiss his FAC seeking monetary damages and injunctive relief for the alleged violation of his Eighth Amendment right to adequate medical care. ECF No. 17 at 17-18; *see* ECF No. 15 at 8, 18, 26, 32. Plaintiff did not comply with the Court's Order and has filed nothing further in this action.

The Court determined that Plaintiff failed to state a plausible claim for relief against any of the named Defendants. ECF No. 17 at 2, 9-15. Specifically, the Court noted that Plaintiff alleged no facts from which the Court could infer that any of the named Defendants denied him medical care in deliberate indifference to his serious medical needs. *Id*. at 10-15. The Court also noted that it is unclear whether Plaintiff has exhausted his administrative remedies. *Id*. at 15-16.

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's First Amended Complaint may count as one of the three dismissals allowed**

by 28 U.S.C. § 1915(g) and may adversely affect his ability to file future claims.

For the reasons set forth above and in the Court's prior Order, ECF No. 17, **IT IS HEREBY ORDERED**:

1. Plaintiff's First Amended Complaint, ECF No. 15, is **DISMISSED with prejudice** for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915A(b)(1) and 1915(e)(2).

2. This dismissal may count as a "strike" under 28 U.S.C. § 1915(g).

3. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not be taken in good faith and would lack any arguable basis in law or fact.

IT IS SO ORDERED. The Clerk of Court is directed to enter this Order, enter judgment, provide copies to Plaintiff, and **CLOSE** the file. The Clerk of Court is further directed to provide a copy of this Order to the Office of the Attorney General of Washington, Corrections Division.

DATED April 8, 2025.

s/Mary K. Dimke
MARY K. DIMKE
UNITED STATES DISTRICT JUDGE