

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 20 2017

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TIM KITTLESON; et al.,

No. 16-35390

Plaintiffs-Appellants,

D.C. No. 3:16-cv-05178-BHS

v.

MEMORANDUM*

STATE OF WASHINGTON; et al.,

Defendants-Appellees.

IRENE JANE HOLMES; et al.,

No. 16-35391

Plaintiffs-Appellants,

D.C. No. 3:16-cv-05177-BHS

v.

STATE OF WASHINGTON; et al.,

Defendants-Appellees.

Appeals from the United States District Court
for the Western District of Washington
Benjamin H. Settle, District Judge, Presiding

Submitted March 8, 2017**

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes these cases are suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Tim Kittleson and Irene Jane Holmes appeal pro se from the district court's orders denying their applications to proceed in forma pauperis ("IFP") in their respective 42 U.S.C. § 1983 actions alleging federal and state law claims arising out of state dependency proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion, *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990), and we affirm.

The district court did not abuse its discretion in denying plaintiffs' motions to proceed IFP because Kittleson and Holmes failed to allege facts in their proposed amended complaints sufficient to state a claim. *See id.* at 616-17 (district court may deny leave to proceed IFP "at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit"). Moreover, the district court provided plaintiffs notice of the deficiencies in their complaints and an opportunity to cure them, but both Kittleson and Holmes failed to cure those deficiencies.

Given the procedural posture of these cases, we reject as without merit plaintiffs' contentions that the district court improperly denied them an opportunity

to present evidence.

Appeal No. 16-35390: AFFIRMED.

Appeal No. 16-35391: AFFIRMED.