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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY EUGENE LEWIS,)	CASE NO. C10-0267RSL
)	
Plaintiff,)	
)	
v.)	ORDER DENYING APPLICATION
)	TO PROCEED <i>IN FORMA PAUPERIS</i>
ELDON VAIL, et al.,)	
)	
Defendants.)	
)	

The Court, having reviewed plaintiff's application to proceed in forma pauperis (Dkt. #1), the proposed civil rights complaint (Dkt. #1-2), the motion for preliminary injunctive relief (Dkt. #1-3) and supporting declaration (Dkt. #1-6), the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler, plaintiff's objections thereto, the governing law, and the balance of the record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation. In response to the Report and Recommendation, plaintiff belatedly identified a prison official who told him he could be subject to involuntary medication because he refused medical treatment. Rather than alleging any specific threat, plaintiff's filings simply state that he was told that the institution "had the

01 authority to involuntarily medicate him against his refusal to comply with mental health
02 treatment.” Plaintiff’s Objections at p. 7. That alleged “threat” occurred approximately two
03 months ago. Id. As set forth in the Report and Recommendation, plaintiff does not allege that
04 defendants have ever required him to take medication, that defendants have decided to medicate
05 him involuntarily, that such a decision is pending, or that such a decision would or could be
06 made without affording him due process protections. Instead, plaintiff states that he has been
07 given notice of the possibility that he could be medicated and an opportunity to respond.
08 Being notified that such an action is possible at some unidentified point in the future is not
09 tantamount to an immediate threat of involuntary medication. Nor is it evidence that plaintiff
10 is in imminent danger of serious physical injury.

11 (2) Plaintiff’s application to proceed *in forma pauperis* is DENIED because
12 plaintiff’s four strikes pursuant to 28 U.S.C. § 1915(g) preclude the present civil action unless
13 he pays the filing fee.

14 (3) Plaintiff is directed to pay the \$350 filing fee for the present action within thirty
15 (30) days of the date of this Order or risk dismissal of the action.

16 (4) Plaintiff’s motion for oral argument (Dkt. #7) is DENIED; this matter can be
17 decided based on plaintiff’s filings and the applicable law.

18 (5) The Clerk of Court is directed to send copies of this Order to plaintiff and to
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01 Magistrate Judge Mary Alice Theiler.

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03 DATED this 5th day of April, 2010.

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ROBERT S. LASNIK
Chief United States District Judge

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