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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 In re:

11 JEROME TALLEY,

12 Respondent.
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CASE NO. 15-MC-164- MJP

ORDER RE: § 1983 COMPLAINT
AND *BIVENS* COMPLAINT (DKTS.
#26-1 AND #27-1) AND DENYING
IFP APPLICATIONS

14 The Court is in receipt of two pleadings received from Respondent entitled “Federal Civil
15 Rights Complaint Brought by a Prisoner Under 42 U.S.C. Sec. 1983 Against State Actors for
16 Deprivation” (Dkt. #27-1) and “Federal Civil Rights Complaint and Bivens Action Brought By a
17 Prisoner Against State and Federal Actors Under 42 U.S.C. Sec. 1983 and Bivens v. Six Unknown
18 Fed. Narcotic [sic] Agents, ___ U.S. ___ (1971)” (Dkt. #26-1). The former is accompanied by a
19 “Declaration to Proceed In Forma Pauperis” in which Respondent alleges “that my person is in
20 imminent danger of serious physical bodily injury or death in the near future” and pleads indigency
21 (Dkt. #27 at 1); and the latter is accompanied by a “Declaration of In Forma Pauperis” in which
22 Respondent again alleges that he is “in imminent danger of serous physical bodily injury or death
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1 of his life in the very near future,” but instead of pleading indigency simply summarizes his cause
2 of action (Dkt. #26 at 1).

3 Respondent is currently under a Bar Order entered on November 25, 2015. Dkt. #3.
4 Among the conditions which must be met in order for any civil action filed by Respondent to
5 proceed are the following:

- 6 (1) Respondent Jerome Talley is prohibited from filing any civil action in the
7 Western District of Washington unless the complaint or petition is
8 accompanied by a signed affidavit stating under penalty of perjury that
9 the complaint contains new allegations not previously litigated. Mr.
10 Talley may not proceed *in forma pauperis* in any § 1983 or *Bivens* action
11 without a showing that he is in imminent danger of serious bodily injury
12 or death. Any complaint or petition filed by Mr. Talley that is not
13 accompanied by a signed affidavit and/or an imminent danger showing
14 will not be filed.

15 *Id.* at 2.

16 Respondent’s latest filings fail to meet both of these conditions. First, they are
17 unaccompanied by signed affidavits stating under penalty of perjury that the Complaints allege
18 matters not previously litigated. However, because a review of the pleadings indicates that they
19 concern events of the past few months, the Court is satisfied that Respondent has not litigated the
20 issues in this jurisdiction yet. Second (as with his other recent pleadings), Respondent’s averments
21 that he believes himself to be “in imminent danger of serious physical bodily injury or death in the
22 near future” (*e.g.*, Dkt. #27-1 at 1) again completely fail to make a showing that he is in imminent
23 danger of serious bodily injury or death as required by the Bar Order. Both of the proposed
24 Complaints concern his allegations that recent state court pleadings of his have not been properly
filed by the responsible individuals in the state court system. *See* Dkts. #26-1 and #27-1. No facts
are alleged in his proposed Complaints or Declarations that suggest he is in any way endangered
physically because of his conditions of confinement or the events alleged in the pleadings.

1 Therefore, pursuant to the terms of his Bar Order, Respondent is not permitted to proceed
2 *in forma pauperis*. His IFP applications (Dkts. #26 and #27) are DENIED and he will not be
3 permitted to proceed with his Complaints unless or until he has paid the full filing fees for both
4 actions.

5 The Clerk SHALL provide a copy of this order to Respondent.

6 Dated this 19th day of July 2017.

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9 RICARDO S. MARTINEZ
10 CHIEF UNITED STATES DISTRICT JUDGE