

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW SUND,

CASE NO. C17-0357JLR

Plaintiff,

ORDER

V.

SANMAR CORPORATION,

Defendant.

This matter comes before the court on Plaintiff Matthew Sund's motions to

proceed *in forma pauperis* (“IFP”) (1st IFP Mot. (Dkt. # 1); 2d IFP Mot. (Dkt. # 4)) and his “Motion to Dismiss and Reinstate” (MTD (Dkt. # 5)).

The court has reviewed the Honorable Brian A. Tsuchida's Report and Recommendation (R&R (Dkt. # 6)), the pleadings related to it, and Mr. Sund's Motion to Dismiss and Reinstate (MTD). Judge Tsuchida recommends that the court deny Mr. Sund's motions to proceed IFP because Mr. Sund has failed to declare under penalty of perjury that the facts he alleges in his IFP applications are true and correct. (See R&R at

1 1-2.) Judge Tsuchida also recommends that the court direct Mr. Sund to pay the filing
2 fee and indicate that if Mr. Sund does not pay the filing fee within 30 days, the Clerk will
3 close the case. (*Id.* at 2.) However, Mr. Sund's Motion to Dismiss and Reinstate states
4 that Mr. Sund "doesn't need anything else from [the court]." (MTD at 1.)

5 The court therefore ADOPTS in part the report and recommendation (Dkt. # 6).
6 Specifically, the court ADOPTS the portion of the report and recommendation that
7 recommends denying Mr. Sund's motions to proceed IFP and DENIES Mr. Sund's IFP
8 applications (Dkt. ## 1, 4). However, the court DECLINES to allow Mr. Sund 30 days to
9 pay the filing fee because Mr. Sund seeks dismissal and states that he does not need any
10 further relief from the court. Accordingly, the court GRANTS Mr. Sund's motion (Dkt.
11 # 5) to the extent it requests dismissal of this matter, but DENIES the motion to the extent
12 it requests "reinstatement." Finally, the court DISMISSES this case WITHOUT
13 PREJUDICE and DIRECTS the Clerk to close the case.

14 Dated this 11th day of April, 2017.

15
16 
17

18 JAMES L. ROBART
19 United States District Judge
20
21
22