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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 \_\_\_\_\_  
9 RICHARD ROY SCOTT, )

10 Plaintiff, )

11 v. )

12 KELLY CUNNINGHAM, )

13 Defendant. )  
\_\_\_\_\_

No. MC05-5029

ORDER

14 This matter comes before the Court *sua sponte*. On April 5, 2005, the United  
15 States District Court judges who sit in Tacoma entered an order dismissing a number of  
16 plaintiff's causes of action and barring future litigation "[i]n all future cases" unless plaintiff  
17 provides a signed affidavit, along with the proposed complaint, "verifying under penalty of  
18 perjury that none of the issues raised in the proposed complaint have been litigated in the past by  
19 the plaintiff." Scott v. Seling, C04-5147RJB, Dkt. # 170 at 4. On March 26, 2007, the Court  
20 also entered an order declaring plaintiff a vexatious litigant and prohibiting him from proceeding  
21 *in forma pauperis* in any action in the United States District Court for the Western District of  
22 Washington unless he shows that he is in imminent danger of death or serious injury. Scott v.  
23 Weinberg, C06-5172FDB, Dkt. # 95 at 15.

24 On April 21, 2011, the Clerk of Court received a complaint (Dkt. # 119) and a  
25 letter (Dkt. # 120) indicating that a check in the amount of the filing fee would be sent directly  
26 from plaintiff's trust account to the Court in a few days. These documents are now before the

ORDER

1 undersigned for review pursuant to the terms of the April 5, 2005, bar order.

2 As of this date, the Court has not yet received the promised filing fee. Nor is there  
3 any indication that plaintiff is in imminent danger of death or serious injury. His most recent  
4 claims are based on an alleged deprivation of access to the courts as retaliation for his litigation  
5 and First Amendment activities: no physical harm is alleged. Pursuant to the March 26, 2007,  
6 order restricting plaintiff's *in forma pauperis* status, this action may not proceed.

7 Plaintiff has also failed to "submit a signed affidavit . . . verifying under penalty of  
8 perjury that none of the issues raised in the proposed complaint have been litigated in the past by  
9 plaintiff" as required by the April 5, 2005, bar order. For this additional reason, the action  
10 submitted on April 21, 2011(Dkt. #119) shall not be permitted to proceed. The Clerk of Court is  
11 directed to docket this order in MC05-5029. Neither the Clerk of Court nor defendant need take  
12 any further action with regards to this matter.

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14 Dated this 4th day of May, 2011.

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16 Robert S. Lasnik  
17 Chief Judge, United States District Court  
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