

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD ROY SCOTT,

Plaintiff,

v.

KELLY CUNNINGHAM,

Defendant.

No. MC05-5029

ORDER

On April 21, 2011, the Clerk of Court received a proposed complaint (Dkt. # 119) and a letter (Dkt. # 120) indicating that a check in the amount of the filing fee would be sent directly from plaintiff's trust account to the Court in a few days. Plaintiff failed to "submit a signed affidavit . . . verifying under penalty of perjury that none of the issues raised in the proposed complaint have been litigated in the past by plaintiff" as required by an April 5, 2005, bar order. Nor had plaintiff submitted the promised filing fee or shown that he was in imminent danger of death or serious injury as required by the March 26, 2007, bar order. The Court therefore declined to allow the action to proceed. Dkt. # 121.

The Court's order rejecting the proposed complaint was apparently delivered to the Special Commitment Center on May 9, 2011, but was marked returned to sender. Dkt. # 123. Plaintiff meanwhile submitted an amended complaint against Kelly Cunningham (Dkt. # 122), a declaration stating, "I Richard Scott swear under threat of prejury [sic] I have not filed this 1983 before" (Dkt. # 124), and the necessary filing fee (see Dkt. # 125). Plaintiff alleges that recent

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budget cuts have impacted the Special Commitment Center (“SCC”) on McNeil Island to such an extent that it can no longer provide constitutionally adequate medical care, emergency response, security, or access to the courts.

The undersigned finds that the issues raised in the above-captioned matter (Dkt. # 122) have not been previously litigated by plaintiff and may proceed subject to the other requirements imposed by the “Order Adopting Report and Recommendation,” dated April 5, 2005. The Clerk of Court shall docket this order in MC05-5029 and open a new cause of action containing all documents related to plaintiff’s May 9, 2011, submission (Dkt. # 122, 124, 125, and the filing fee).

Dated this 1st day of July, 2011.

Mr S Casnik

Robert S. Lasnik
Chief Judge, United States District Court