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

10 RICHARD ROY SCOTT,

11 Plaintiff,

12 v.

13 JOHN HAMILL,

14 Defendant.  
15

Case No. 3:05-mc-5029-RSM

ORDER DENYING PLAINTIFF'S  
APPLICATION TO PROCEED IFP

16 This matter comes before the Court on Plaintiff Richard Roy Scott's Application to  
17 Proceed *In Forma Pauperis*, Dkt. #157. Plaintiff has been previously declared a "vexatious  
18 litigant" and is "prohibited from proceeding in forma pauperis in any future action in the  
19 United States District Court for the Western District of Washington... unless the Court  
20 determines that he is in imminent danger of death or serious injury." *Scott v. Weinberg*, Case  
21 No. 3:06-cv-05172-FDB, Dkt. #95.

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23 Upon review of Plaintiff's current proposed complaint, the Court determines that he is  
24 not in imminent danger of death or serious injury and will deny his request for IFP status.

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26 Plaintiff's attached proposed complaint raises a variety of issues related to the medical  
27 care he has received from Dr. John Hamill, the Director of Medical Services at the Special  
28 Commitment Center where Plaintiff is housed. Dkt. #157-2 at 2. Each issue presents some

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1 grievance or potential injury incurred by Plaintiff, but none indicate an imminent danger of  
2 death or serious injury. For example, Plaintiff pleads that Dr. Hamill “indicated a need for a cat  
3 scan” due to “shortest [sic] of breath,” in 2016, but no cat scan has occurred. *Id.* Even if true,  
4 this is insufficient to conclude that Plaintiff is facing an imminent danger of death or serious  
5 injury because shortness of breath can be a symptom of non-serious injuries and because a year  
6 has passed without apparent incident. Plaintiff complains that an “off island trip” has not  
7 occurred due to his medical condition. *Id.* at 3. Not being able to make an off island trip is not  
8 a life and death situation. Plaintiff further complains of having his diet changed and not having  
9 medical tests rescheduled. These may be inconveniences to Plaintiff, but they do not indicate  
10 imminent risk of death or serious injury.  
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13 Pursuant to the bar order above, Plaintiff is not entitled to IFP status to prosecute his  
14 claims. If he wishes to proceed, he must pay the required filing fee for his complaint.

15 Accordingly, the Court hereby finds and ORDERS that Plaintiff Richard Roy Scott’s  
16 Application to Proceed *In Forma Pauperis*, Dkt. #157, is DENIED. The clerk is directed to  
17 provide a copy of this order to Plaintiff.  
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20 DATED this 4 day of October, 2017.

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23 RICARDO S. MARTINEZ  
24 CHIEF UNITED STATES DISTRICT JUDGE  
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