05-MC-05029-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD ROY SCOTT,

Plaintiff,

v.

WILL BAILEY,

Defendant.

No. MS05-5029

ORDER PERMITTING CASE TO PROCEED

This matter comes before the Court *sua sponte*. On April 5, 2005, the United States District Court judges who sit in Tacoma entered an order dismissing a number of plaintiff's causes of action and barring future litigation unless plaintiff provides a signed affidavit, along with the proposed complaint, "verifying under penalty of perjury that none of the issues raised in the proposed complaint have been litigated in the past by the plaintiff." On March 8, 2006, the Clerk of Court received a proposed complaint, a motion to proceed *in forma pauperis*, a written consent for payment of costs, and a declaration signed by Mr. Scott. As directed in the bar order, the Clerk forwarded the documents to the undersigned for review.

Plaintiff's proposed complaint asserts constitutional and tort claims against defendant Will Bailey based on allegations that defendant has deprived plaintiff of access to the courts and/or retaliated against him. Pursuant to his declaration, plaintiff has never sued Mr. Bailey and is now raising claims against him that are similar to those asserted in the recently

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accepted complaint filed on January 18, 2006.[1] Plaintiff is apparently seeking redress of claims that arose after the April 5, 2005, Order Adopting Report and Recommendation was signed. The Court finds that the issues raised in the March 8, 2006, filing have not been finally resolved 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 March 8, 2006, filing.

DATED this 28th day of March, 2006.

Robert S. Lasnik
Chief Judge, United States District Court

[1] Plaintiff also attempted to raise access to courts and Liberty Puzzle issues against other defendants through an entity called Wives and Mothers of Prisoners of the State. See C05-5657RJB. That matter was dismissed when the application to proceed *in forma pauperis* was denied and plaintiff failed to pay the filing fee. None of the claims raised in that suit was finally resolved.