

1 HONORABLE RONALD B. LEIGHTON
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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 BARBARA STUART-ROBINSON,
10 Plaintiff,

No. RBL C10-5861RBL

11 v.

ORDER STAYING CASE PENDING 9TH
CIRCUIT REVIEW [Dkt. #1]

12 DEPARTMENT OF CORRECTIONS
13 WASHINGTON STATE,
14 Defendant

15 THIS MATTER comes before the court on plaintiff's Motion to Proceed *in forma*
16 *pauperis*. [Dkt. #1.] The court has considered the motion and the remainder of the record herein.

17 Plaintiff requests that the court permit her to proceed *in forma pauperis* (IFP), that is,
18 without paying the \$350 filing fee for a civil case. The district court may permit indigent litigants
19 to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. §
20 1915(a). However, the court has broad discretion in denying an application to proceed in forma
21 liberally and has afforded plaintiff the benefit of any doubt. *See Karim-Panahi v. Los Angeles*
22 *Police Dep't*, 839 F.2d 621, 623 (9th Cir.1988).

23 The claims alleged by the Plaintiff appear to arise out of the same facts as her prior
24 complaint in *Robinson v. Department of Corrections*, Cause no. 10-5652RBL. That case was
25 dismissed due to a lack of jurisdiction, and this case appears to be a response to that Order of
26 Dismissal [See Dkt. #32 in Cause No. 10-5652].
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ORDER - 1

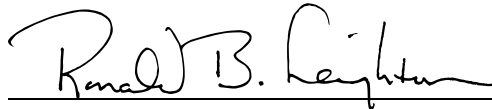
1 However, instead of (or in addition to) re-filing her claims with the proper jurisdictional
2 bases, Plaintiff chose to appeal the Court's Order to the Ninth Circuit. [See Dkt. # 34 in Cause
3 No. 10-5652]. Plaintiff cannot prosecute both actions simultaneously, given that they are
4 essentially the same case.

5 The Court will therefore STAY this action, including Plaintiff's IFP application, until
6 such time as the Ninth Circuit resolves her appeal of the Court's dismissal in Cause No. 10-5652.
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8 The clerk will enter an order STATISTICALLY TERMINATING the case pending that
9 resolution, and the plaintiff is INSTRUCTED to notify the court when that appeal is complete.
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11 **IT IS SO ORDERED.**

12 DATED this 2nd day of FEBRUARY 2011.

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14 RONALD B. LEIGHTON
15 UNITED STATES DISTRICT JUDGE
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