

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANDREW STRICK,

Plaintiff,

v.

DOUG PITTS,

Defendant.

CASE NO. C11-5110 RBL

ORDER GRANTING IFP ON  
APPEAL

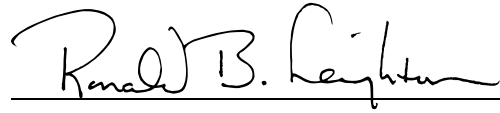
[DKT. #52]

THIS MATTER is before the Court on Plaintiff's Motion for leave to appeal in forma pauperis. A court should "deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit." *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i).

This Court dismissed Plaintiff's complaint without prejudice, after he failed to prosecute the case and failed to respond to an Order to Show Cause why it should not be so dismissed. The Court did not determine that Plaintiff's Complaint was frivolous, and it cannot do so here. Plaintiff's Motion for IFP status on appeal is GRANTED.

1 IT IS SO ORDERED.

2 Dated this 8th day of November, 2012.

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4 Ronald B. Leighton  
5 United States District Judge

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