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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MATTHEW G. SILVA,

Plaintiff,

v.

ROB McKENNA, JOHN S. BLONIEN,
DOUGLAS CARR, KIMBERLY
FRINELL, AMANDA
MIGCHELBRING, ELDON VAIL,
DAN PACHOLKE, STEVE SINCLAIR,
CHRIS BOWMAN, CHUCK PEASE,
OFFICIAL JURGENSEN, LINDA
MICHAEL, DAVID S. ROBERTS,
TAMARA ROWDEN, RONALD
FREDERICK, DEVON SCHRUM,
LORI SCAMAHORN, DENNIS
DAHNE, KERRI McTARSNEY,
CORYDON WHALEY, CLINT MAY,
CHERYL SULLIVAN, and VANESSA
COLEMAN,

Defendants.

No. C11-5629 RBL/KLS

ORDER TO SHOW CAUSE

This matter comes before the Court on Plaintiff's application to proceed *in forma pauperis* and a proposed civil rights complaint under 42 U.S.C. § 1983. ECF Nos. 1 and 4. Court records indicate, however, that Plaintiff has filed at least four civil actions *in forma pauperis* in the United States District Courts that have been dismissed as frivolous or for failure to state a claim. Those cases include: *Silva v. King County*, C08-1447RSM (Western District of Washington); *Silva v. Bush, et.al*, CV-06-984-JLR (Western District of Washington); *Silva v.*

1 *Clarke, et al.*, CV-05-414-MWL (Eastern District of Washington); and *Silva v. State of*
2 *Washington, et al.*, C-98-659-WLD (Western District of Washington).

3 28 U.S.C. § 1915 (g) applies if a prisoner has brought three or more actions previously
4 dismissed as frivolous, malicious or that failed to state a claim:

5 In no event shall a prisoner bring a civil action or appeal a judgment in a civil
6 action or proceed under this section if the prisoner has, on *3 or more prior*
7 *occasions*, while incarcerated or detained in any facility, brought an action or
8 appeal in a court of the United States that was dismissed on the grounds that it is
9 frivolous, malicious, or fails to state a claim on which relief may be granted
10 unless the prisoner is under imminent danger of serious physical injury.

11 [Emphasis added.]

12 Plaintiff acknowledges that he has at least three strikes and must pay the filing fee of
13 \$350.00. ECF No. 1-1, p. 1. He contends that he has overpaid \$350.00 to the United States
14 District Court in Phoenix, Arizona and by letter, asks the Clerk of that Court to transfer the
15 payment to this Court. *Id.* No such payment has been received. Additionally, Plaintiff asks that
16 this Court pay for the cost of serving the twenty-four defendants named herein. *Id.* The Court
17 declines to do so. Because Plaintiff is not proceeding *informa pauperis* in this matter, it is his
18 obligation to serve copies of the Summons and Complaint upon the named defendants. Pursuant
19 to Rule 4(m), Plaintiff must serve copies of the Summons and Complaint upon each of the
20 named Defendants within 120 days after the filing of the Complaint. Unless the Plaintiff can
21 show good cause for his failure to serve, the Court shall dismiss the action without prejudice as
22 to each defendant not served or shall extend the time for service. Fed.R.Civ.P. 4(m).

23 **ACCORDINGLY, IT IS ORDERED:**

24 (1) Plaintiff shall show cause by **October 7, 2011**, why this case should not be
25 dismissed pursuant to 28 U.S.C. § 1915 (g). In the alternative, Plaintiff may pay the full \$350.00
26

1 filing fee for this action by **October 7, 2011. If the Plaintiff does not respond within the time**
2 **period specified, or Plaintiff does not show sufficient cause as noted above, the Court will**
3 **recommend dismissal of this case pursuant to 28 U.S.C. § 1915 (g); and;**

4 (2) The Clerk is directed to send a copy of this Order to Plaintiff.
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6 **DATED** this 12th_ day of September, 2011.
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9 Karen L. Strombom
10 Karen L. Strombom
11 United States Magistrate Judge
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