

HONORABLE RONALD B. LEIGHTON

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRIS WALTERS,

Plaintiff,

v.

PATRICIA OBRIEN,

Defendant.

CASE NO. C11-5906 RBL

ORDER

THIS MATTER comes on before the above-entitled court upon Plaintiff's Application to Proceed *In Forma Pauperis* and proposed Complaint. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Plaintiff is apparently in a dispute with the Social Security Administration over the amount of his disability payments. By way of his proposed Complaint he seeks to have this Court place the Social Security Administration under the control of the World Court. He names as defendants officers of the United Nations and of The Haque.

1           The Court may permit indigent litigants to proceed *in forma pauperis* upon completion of  
2 a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the “privilege of pleading in  
3 *forma pauperis* . . . in civil actions for damages should be allowed only in exceptional  
4 circumstances.” *Wilborn v. Escalderon*, 789 F.2d 1328 (9<sup>th</sup> Cir. 1986). Moreover, the Court has  
5 broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314  
6 F.2d 598 (9<sup>th</sup> Cir. 1963), *cert. denied* 375 U.S. 845 (1963).

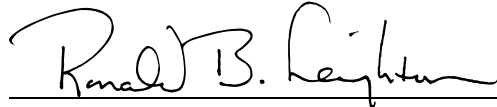
7           A complaint filed by any person proceeding *in forma pauperis* pursuant to 28 U.S.C. §  
8 1915(a) is subject to a mandatory and sua sponte review and dismissal by the Court to the extent  
9 the complaint is frivolous, malicious, fails to state a claim upon which relief may be granted, or  
10 seeks relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *Lopez*  
11 *v. Smith*, 203 F.3d 1122, 1126-27 (9<sup>th</sup> Cir. 2000) (en banc). Section 1915(e)(2) mandates that the  
12 court reviewing a complaint filed pursuant to the *in forma pauperis* provisions of Section 1915  
13 make and rule on its own motion to dismiss before direction that the complaint be served  
14 pursuant to Fed. R. Civ. P. 4(c)(2). *Lopez*, 203 F.3d at 1127 (“Section 1915(e) not only permits  
15 but requires a district court to dismiss an *in forma pauperis* complaint that fails to state a claim”);  
16 *see also Barren v. Harrington*, 152 F.3d 1193, 1194 (9<sup>th</sup> Cir. 1998) (noting that “the language of  
17 § 1915(e)(2)(B)(ii) parallels the language of Federal Rule of Civil Procedure 12(b)(6).”). “Such  
18 a dismissal may be made without notice where the claimant cannot possibly win relief.” *Omar v.*  
19 *Sea-Land Serv., Inc.*, 813 F.2d 986, 991 (9<sup>th</sup> Cir. 1987).

20           This case is clearly frivolous and fails to remotely state a claim against either the named  
21 defendants or the Social Security Administration. It is equally clear that no amendment can cure  
22 this defective and frivolous Complaint

1 Accordingly, Plaintiff's Application to Proceed *In Forma Pauperis* is **DENIED** and this  
2 action is **DISMISSED WITH PREJUDICE**.

3 The Clerk shall send uncertified copies of this order to all counsel of record, and to any  
4 party appearing pro se.

5 Dated this 8<sup>th</sup> day of November, 2011.

6   
7

8 RONALD B. LEIGHTON  
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24