

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SUZANNE CAREY,

Plaintiff,

v.

INT’L UNION OF OPERATING ENGINEERS  
(IUOE), LOCAL 612,

Defendant.

No. 12-cv-5025 RBL

Order

[Dkt. #1]

**I. INTRODUCTION**

Before the Court is Plaintiff Suzanne Carey’s application to proceed *in forma pauperis*. [Dkt. #1]. For the reasons set forth below, the Court denies the application.

**II. DISCUSSION**

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application, but “the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, 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). An *in forma pauperis* complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*

1 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.  
2 1984).

3 Here, the Court must deny Plaintiff's application because (1) Plaintiff appears to have  
4 funds sufficient to pay the necessary filing fees; and (2) the claims in the Complaint have been  
5 previously litigated and dismissed, and thus, lack merit.

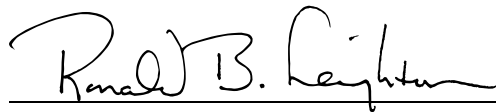
6 First, Plaintiff lists a monthly income of \$1,710.00 and claims no dependents. The Court  
7 recognizes that filing fees can be onerous but must conclude, nonetheless, that Plaintiff has funds  
8 sufficient to pay the necessary costs.

9 Second, the Complaint appears to be a reassertion of claims previously dismissed. *See*  
10 *Carey v. Office of Prof'l Emp. Int'l Union*, No. 04-cv-5438 FDB (W.D. Wash. June 3, 2004)  
11 (dismissing claims against International Union of Operating Engineers, Local 612), *aff'd*, No.  
12 05-35692 (9th Cir. Nov. 22, 2006). Thus, the Court must conclude that the Complaint lacks  
13 merit on its face.

### 14 III. ORDER

15 For the reasons stated above, the Court **DENIES** the application to proceed *in forma*  
16 *pauperis*. [Dkt. #1]. Plaintiff has **30 days** to pay the filing fees or the case may be dismissed.

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18 Dated this 23<sup>rd</sup> day of January, 2012.

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22 RONALD B. LEIGHTON  
23 UNITED STATES DISTRICT JUDGE  
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