

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRENDA MARY HENRY,

Plaintiff,

v.

JEFFERSON TRANSIT AUTHORITY,

Defendant.

No. 12-cv-6063 RBL

Order

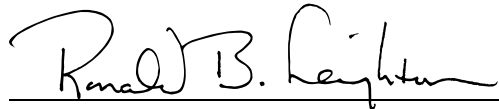
[Dkts. #6]

Plaintiff moves for an order appointing counsel. (Dkt. #6.) 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. Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

1 Here, the Court must deny Plaintiff's application because the Complaint lacks factual
2 allegations upon which relief could be granted. The Motion for Appointment of Counsel (Dkt.
3 #6) is **DENIED**.

4 Moreover, Plaintiff has failed to pay the filing fee and the case is therefore **DISMISSED**.

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6 Dated this 2nd day of May 2013.

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9 RONALD B. LEIGHTON
10 UNITED STATES DISTRICT JUDGE
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