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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 ANTOINNE LITTLEJOHN,

8 Plaintiff,

9 v.

10 AMY KERNKAMP, et al.,

11 Defendants.

CASE NO. C13-5077 BHS

ORDER DENYING MOTION TO
PROCEED IN FORMA
PAUPERIS AND DISMISSING
COMPLAINT

12
13 This matter comes before the Court on Plaintiff Antoine Littlejohn's
14 ("Littlejohn") motion to proceed *in forma pauperis* (Dkt. 1) and proposed complaint
15 (Dkt. 1-1).

16 On February 1, 2013, Littlejohn filed his motion and complaint alleging that
17 certain state actors released "non-conviction information" in violation of his right under
18 the Fourteenth Amendment of the United States Constitution. Dkt. 1.

19 The district court may permit indigent litigants to proceed *in forma pauperis* upon
20 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the
21 "privilege of pleading *in forma pauperis* . . . in civil actions for damages should be
22 allowed only in exceptional circumstances." *Wilborn v. Escalderon*, 789 F.2d 1328 (9th

1 | Cir. 1986). Moreover, the court has broad discretion in denying an application to proceed
2 | *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied* 375
3 | U.S. 845 (1963).

4 | A federal court may dismiss *sua sponte* pursuant to Fed. R. Civ. P. 12(b)(6) when
5 | it is clear that the plaintiff has not stated a claim upon which relief may be granted. *See*
6 | *Omar v. Sea Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987) (“A trial court may
7 | dismiss a claim *sua sponte* under Fed. R. Civ. P. 12(b)(6) Such a dismissal may be
8 | made without notice where the claimant cannot possibly win relief.”).

9 | In this case, Littlejohn has failed to show that he is entitled to proceed *in forma*
10 | *pauperis* or has failed to state an adequate claim for relief. With regard to his claim,
11 | there is no constitutional right to non-disclosure of police incident reports or
12 | investigations or a right to damages for the lawful retention of public records. Thus,
13 | Littlejohn cannot possibly win relief and has failed to show that exceptional
14 | circumstances exist to allow *in forma pauperis* status. Therefore, the Court denies
15 | Littlejohn’s motion to proceed *in forma pauperis* and dismisses his complaint *sua sponte*
16 | for failure to state a claim.

17 | **IT IS SO ORDERED.**

18 | Dated this 12th day of February, 2013.

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21 | BENJAMIN H. SETTLE
22 | United States District Judge