HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA

YVONNE MCDONALD,

v.

No. 13-5248-RBL

ORDER

Plaintiff,

(Dkt. #1)

EMPLOYMENT SECURITY DEPARTMENT, et al.,

Defendants.

Plaintiff has applied to proceed *in forma pauperis* in this action arising from the alleged termination of her employment due to her race. 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).

The Court does not deny *in forma pauperis* status lightly, especially where a Plaintiff alleges racial discrimination. However, the proposed complaint lacks allegations on which relief could be granted.

For the reasons stated above, the Application to Proceed *In Forma Pauperis* (Dkt. #1) is **DENIED**. Plaintiff has **15 days** from the date of this order to pay the filing fees or the case will be dismissed.

Dated this 23rd day of April 2013.

RONALD B. LEIGHTON UNITED STATES DISTRICT JUDGE