

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

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRISTIAN DOSCHER,  
  
Plaintiff,  
  
v.  
  
PUBLIC STORAGE, et al.,  
  
Defendants.

CASE NO. C13-5457 BHS  
  
ORDER DENYING MOTION TO  
PROCEED *IN FORMA PAUPERIS*  
AND DISMISSING COMPLAINT

This matter comes before the Court on Plaintiff Christian Doscher’s (“Doscher”) motion to proceed *in forma pauperis* (Dkt. 1) and proposed complaint (Dkts. 1-2 & 1-3) (“Complaint”).

On June 10, 2013, Doscher filed the instant motion and the proposed complaint asserting state law causes of action. Complaint, § R. Doscher argues that the Court has jurisdiction to hear this case because the parties are diverse and the amount in controversy is in excess of the jurisdictional limit. *Id.* § B. One of the Defendants, however, Sue Maltempi, is a resident of Washington (*id.* § A), and Doscher is also a resident of Washington (Dkt. 1-4).

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

8 “If the court determines at any time that it lacks subject-matter jurisdiction, the  
9 court must dismiss the action.” Fed. R. Civ. P. 12(h)(3).

10 In this case, Doscher has failed to meet his burden to proceed *in forma pauperis*.  
11 While Doscher may qualify financially, the Court does not have jurisdiction to hear this  
12 case because there is not complete diversity between the parties. Therefore, the Court  
13 **DENIES** the motion to proceed *in forma pauperis* and **DISMISSES** the complaint for  
14 lack of subject-matter jurisdiction.

15 **IT IS SO ORDERED.**

16 Dated this 12th day of June, 2013.

17  
18 

19 **BENJAMIN H. SETTLE**  
20 United States District Judge  
21  
22