

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT TACOMA

4 WILLIAM RENJOIR,

5 Plaintiff,

6 v.

7 STATE OF WASHINGTON, et al.,

8 Defendants.

CASE NO. C13-5556 BHS

ORDER DENYING MOTION TO
PROCEED *IN FORMA PAUPERIS*
AND DISMISSING COMPLAINT

9 This matter comes before the Court on Plaintiff William Renjoir's ("Renjoir")
10 motion to proceed *in forma pauperis* (Dkt. 1) and proposed complaint (Dkt. 1-1).

11 On July 10, 2013, Renjoir filed the instant motion and proposed complaint
12 alleging that the State of Washington's emergency shelters are inadequate. Dkt. 1-1.

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

20 A federal court may dismiss *sua sponte* pursuant to Fed. R. Civ. P. 12(b)(6) when
21 it is clear that the plaintiff has not stated a claim upon which relief may be granted. *See*
22 *Omar v. Sea Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987) ("A trial court may

1 dismiss a claim *sua sponte* under Fed. R. Civ. P. 12(b)(6) Such a dismissal may be
2 made without notice where the claimant cannot possibly win relief.”). *See also Mallard*
3 *v. United States Dist. Court*, 490 U.S. 296, 307 (1989) (there is little doubt a federal court
4 would have the power to dismiss a frivolous complaint *sua sponte*, even in absence of an
5 express statutory provision). A complaint is frivolous when it has no arguable basis in
6 law or fact. *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

7 In this case, Renjoir has failed to establish jurisdiction in this Court. In order to
8 have standing to pursue an action, a plaintiff must have suffered an “injury in fact-an
9 invasion of a legally protected interest which is (a) concrete and particularized, and (b)
10 actual or imminent, not conjectural or hypothetical. *Lujan v. Defenders of Wildlife*, 504
11 U.S. 555, 560 (1992) (citations and quotations omitted). “When . . . a plaintiff’s asserted
12 injury arises from the government’s allegedly unlawful regulation (or lack of regulation)
13 of someone else, much more is needed.” *Id.* at 561. Renjoir’s allegations are a
14 generalized grievance of the government’s lack of regulation and fail to allege facts or
15 law giving rise to jurisdiction of the Court. Therefore, the Court **DISMISSES** the
16 complaint for lack of standing and **DENIES** the motion to proceed *in forma pauperis*.

17 **IT IS SO ORDERED.**

18 Dated this 17th day of July, 2013.

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