

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PAUL G SPARKS,

Plaintiff,

v.

LEWIS COUNTY PROSECUTORS'  
OFFICE,

Defendant.

CASE NO. C14-5028 RBL

ORDER DENYING PLAINTIFF'S  
MOTIONS TO PROCEED IFP AND  
FOR APPOINTMENT OF COUNSEL

[Dkt. #s 1 & 2]

THIS MATTER is before the Court on Plaintiff Sparks' application to proceed *in forma pauperis* [Dkt. #1], and his Motion to Appoint Counsel [Dkt. #2].

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*

1 | complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*  
2 | *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.  
3 | 1984).

4 |         Mr. Sparks’ filings demonstrate that he meets the “indigent” requirement for IFP status.  
5 | However, his complaint seeks to assert claims for violation of due process and for attempted pre-  
6 | meditated murder. The factual underpinning of these claims is far from clear.

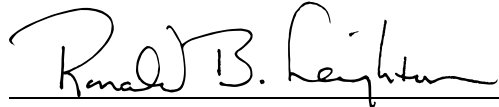
7 |         The case does not have any arguable substance, factually or legally, at this point. The  
8 | Motion to proceed IFP is DENIED. Plaintiff should file an amended application, setting forth  
9 | the identities of the parties, the specific facts surrounding the alleged claims, and the claims  
10 | themselves, within 15 days of the date of this Order. The Complaint should be written in  
11 | complete sentences, preferably in chronological Order. It should identify the parties and the  
12 | actors and in some fashion tie them to the actions at issue, and to the claims Plaintiff seeks to  
13 | assert, and to the damages he claims to have suffered. Alternatively, Plaintiff can pay the filing  
14 | fee.

15 |         Under 28 U.S.C. § 1915(e)(1), the court may request an attorney to represent any person  
16 | unable to afford counsel. Under §1915, the court may appoint counsel in exceptional  
17 | circumstances. *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional  
18 | circumstances, the court must evaluate the likelihood of success on the merits and the ability of  
19 | the petitioner to articulate the claims pro se in light of the complexity of the legal issues  
20 | involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

1 Plaintiff's Motion claims only that he cannot afford an attorney. He has not established  
2 any "exception circumstances" that would entitle him to one at the taxpayer's cost. The Motion  
3 for appointment of counsel is DENIED.

4 IT IS SO ORDERED.

5 Dated this 14<sup>th</sup> day of January, 2014.

6   
7

8 RONALD B. LEIGHTON  
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24