HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS E DAVIS, Plaintiff, v. LEAH CHERI PARKER, et al., Defendants.	CASE NO. C14-5272 RBL ORDER DENYING PLAINTIFF'S MOTION TO PROCEED IFP [Dkt. #1]

THIS MATTER is before the Court on Plaintiff Thomas Davis' application to proceed *in forma pauperis*. [Dkt #1] For the reasons below, the application is DENIED.

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).

Here, Plaintiff's Complaint appears to lack merit on its face. Plaintiff alleges that the Defendant engaged in a conspiracy and lied to the courts to force him to pay child support. He seeks to overturn a 2004 state court Order regarding his child support obligations on theories of fraud and conspiracy. Both the Washington Court of Appeals and the Supreme Court already dismissed Plaintiff's appeals. To the extent Plaintiff asks this Court to review a decision of the state court, this Court has no jurisdiction to do so. *See Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923); *Dist. of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 486-87 (1983). A district court must give full faith and credit to state court judgments, even if the state court erred by refusing to consider a party's federal claims. *See Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 293 (2005). The Complaint asserts no plausible cause of action.

For the reasons stated above, the Court **DENIES** the application to proceed *in forma pauperis*. [Dkt. #1] Plaintiff has **15 days** to pay the filing fee or the case will be dismissed. The Plaintiff is cautioned that the claim is frivolous and may be dismissed on the Court's own Motion, even if he pays the filing fee.

IT IS SO ORDERED.

Dated this 21st day of April, 2014.

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE