

1 HONORABLE RONALD B. LEIGHTON
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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 BRIAN DAVID MATTHEWS,

10 Plaintiff,

11 v.

12 STATE OF WASHINGTON,

13 Defendant.

CASE NO. C14-5485 RBL

ORDER DENYING APPLICATION
TO PROCEED IN FORMA
PAUPERIS

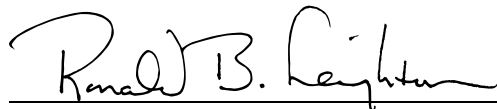
14 THIS MATTER is before the Court on Plaintiff Matthews' Application ot Proceed in
15 forma pauperis. [Dkt. #1]. Matthews' proposed complaint against the State of Washington is
16 based on his claim that his name—"Matthews, Brian"—is a Trade Name. He claims to have
17 recorded various documents with the Pierce County Auditor, which had the effect of creating a
18 "express contract" for any and every unauthorized use of the Trade Name. He claims that the
19 state has breached this contract and his trade name rights no less than one hundred times over the
20 past 30 months by using his name, diluting it and infrining upon his rights. He seeks an
21 injunction, \$180,000,000 punitive damages—trebled,—and an additional \$100,000,000 for
22 interference with his contract, causing default.
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1 A 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). The court has broad
3 discretion in resolving the application, but “the privilege of proceeding *in forma pauperis* in civil
4 actions for damages should be sparingly granted.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th
5 Cir. 1963), cert. denied 375 U.S. 845 (1963). Moreover, a court should “deny leave to proceed
6 *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the
7 action is frivolous or without merit.” *Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369
8 (9th Cir. 1987) (citations omitted); see also 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*
9 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*
10 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.
11 1984).

12 Against this standard, Plaintiff’s Complaint is frivolous on its face, and his application to
13 pursue it *in forma pauperis* is DENEID. Plaintiff shall pay the filing fee within 15 days or this
14 matter will be dismissed. Even if he does pay the filing fee, the complaint as written is subject to
15 dismissal on the Court’s own motion.

16 IT IS SO ORDERED.

17 Dated this 21st day of July, 2014.

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19 RONALD B. LEIGHTON
20 UNITED STATES DISTRICT JUDGE