

1 HONORABLE RONALD B. LEIGHTON

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 ANDREW STRICK,

10 Petitioner,

11 v.

12 NISQUALLY DELTA RIVER  
ENTRANCE,

13 Respondent.

CASE NO. C16-5229 RBL

ORDER DENYING MOTION TO  
PROCEED IFP

DKT. #1

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15 THIS MATTER is before the Court on Petitioner Strick's Motion to Proceed *in Forma*  
16 *Pauperis* [Dkt. #1]. Strick sues the Nisqually Delta River Entrance, alleging four military police  
17 officers assaulted him there.

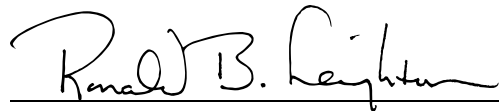
18 A district court may permit indigent litigants to proceed *in forma pauperis* upon  
19 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The Court has broad  
20 discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil  
21 actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir.  
22 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed *in*  
23 *forma pauperis* at the outset if it appears from the face of the proposed complaint that the action  
24 is frivolous or without merit." *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir.

1 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint  
2 is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778  
3 F.2d 527, 529 (9th Cir. 1985); *see also Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

4 Strick’s action against the Nisqually River Delta Entrance—a place—is meritless. His  
5 Motion to Proceed *in Forma Pauperis* [Dkt. #1] is DENIED. Strick shall pay the filing fee or  
6 submit a proposed amended complaint addressing this deficiency within 30 days, or the case will  
7 be dismissed without further notice.

8 IT IS SO ORDERED.

9 Dated this 29<sup>th</sup> day of March, 2016.

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12 Ronald B. Leighton  
13 United States District Judge  
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