

1 HONORABLE RONALD B. LEIGHTON

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

9 KENNETH TAYLOR CURRY,

10 Plaintiff,

11 v.

12 VANCOUVER HOUSING  
13 AUTHORITY,

14 Defendant.

CASE NO. C16-5784-RBL

ORDER DENYING MOTION TO  
PROCEED IN FORMA PAUPERIS

15 This matter is before the Court on Plaintiff Curry's Motion for leave to proceed in forma  
16 pauperis, supported by his proposed complaint. Curry seeks to sue the Vancouver housing  
17 authority and one of its employees for "intercepting, delaying, and withholding reasonable  
18 accommodation request," and for "rescinding the issue Housing Choice Voucher of this plaintiff  
19 and to deny plaintiff participation in such program." [Dkt. # 1-1]

20 A district court may permit indigent litigants to proceed *in forma pauperis* upon  
21 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The Court has broad  
22 discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil  
23 actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir.  
24 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed *in*

1 *forma pauperis* at the outset if it appears from the face of the proposed complaint that the action  
2 is frivolous or without merit.” *Tripati v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir.  
3 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint  
4 is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778  
5 F.2d 527, 529 (9th Cir. 1985); *see also Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

6 A *pro se* Plaintiff’s complaint is to be construed liberally, but like any other complaint it  
7 must nevertheless contain factual assertions sufficient to support a facially plausible claim for  
8 relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (citing *Bell*  
9 *Atlantic Corp. v. Twombly*, 550 U.S. 544, 570, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)). A  
10 claim for relief is facially plausible when “the plaintiff pleads factual content that allows the  
11 court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”  
12 *Iqbal*, 556 U.S. at 678.

13 Curry’s current proposed pleading does not meet this standard. He has not pled a  
14 plausible claim because the story in his complaint is conclusory and incomplete. What was the  
15 reasonable accommodation he sought, and why? From whom did he seek it? How did he seek it?  
16 Who rejected it? When? Why? The complaint also does not articulate a plausible claim— it does  
17 not address this court’s jurisdiction over the subject matter or the parties, and it does not  
18 articulate what specific right he claims was violated. It also appears that Curry maybe appealing  
19 some underlying administrative process. Is that process complete? How was it resolved? Is this  
20 an appeal of that decision?

21 For these reasons, the Motion for Leave to Proceed *in forma pauperis* is **DENIED**. He  
22 shall pay the filing fee or submit a **proposed amended complaint** within **21 days** of the date of  
23 this order. Any amended complaint should address these issues and deficiencies. It should  
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1 endeavor to tell a chronological story that identifies the parties and the facts and the claim for  
2 relief, as well as the basis for the court's jurisdiction. It need not and should not be filled with  
3 legal citations; those can be addressed later. But Curry must plead plausible facts that would  
4 support a claim for relief.

5 IT IS SO ORDERED.

6 Dated this 12<sup>th</sup> day of October, 2016.

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9 Ronald B. Leighton  
10 United States District Judge  
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