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

8 ALICE NUNNERY,

9 Plaintiff,

10 v.

11 KITSAP COUNTY, et al.,

12 Defendants.

CASE NO. C17-5225 BHS

ORDER DENYING PLAINTIFF'S  
MOTION TO PROCEED *IN*  
*FORMA PAUPERIS* AND  
REMANDING

13 This matter comes before the Court on Plaintiff Alice Nunnery's ("Nunnery")  
14 notice of removal (Dkt. 1), complaint (Dkt. 1-1), and motion to proceed *in forma*  
15 *pauperis* (Dkt. 2).

16 On March 27, 2017, Nunnery removed her complaint from Kitsap County  
17 Superior Court for the State of Washington asserting that the Court has jurisdiction under  
18 28 U.S.C. 1331 because a federal question appears on the face of the complaint. Dkt. 1.  
19 Nunnery also requests leave to proceed *in forma pauperis*. Dkt. 2.


20 The 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); W.D. Wash.  
22 Local Rules LCR 3(b). However, the "privilege of pleading *in forma pauperis* . . . in

1 civil actions for damages should be allowed only in exceptional circumstances.” *Wilborn*  
2 *v. Escalderon*, 789 F.2d 1328 (9th Cir. 1986). The court has broad discretion in denying  
3 an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir.  
4 1963), *cert. denied* 375 U.S. 845 (1963)

5 In this case, the Court denies the motion to proceed *in forma pauperis* and  
6 remands the matter *sua sponte*. The rules of removal provide that “any civil action  
7 brought in a State court of which the district courts of the United States have original  
8 jurisdiction, may be removed by the defendant or the defendants . . . .” 28 U.S.C. §  
9 1441(a). “No right exists in favor of a person who, as plaintiff, has filed an action in the  
10 state court, to cause the removal of such action to a federal court.” *In re Walker*, 375  
11 F.2d 678, 678 (9th Cir. 1967). Nunnery, who filed this action in state court, does not  
12 have a right to remove this action to federal court. Moreover, even if she possessed a  
13 right to remove, the complaint fails to state a federal cause of action on its face. Thus,  
14 the Court **DENIES** Nunnery’s motion to proceed *in forma pauperis* because removal is  
15 improper and **REMANDS** the matter to Kitsap County Superior Court. The Clerk shall  
16 remand this matter and close this case.

17 **IT IS SO ORDERED.**

18 Dated this 30th day of March, 2017.

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21 BENJAMIN H. SETTLE  
22 United States District Judge