

1 HONORABLE RONALD B. LEIGHTON

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

9 TATYANA I MASON,

10 Plaintiff,

v.

11 JOHN A MASON,

12 Defendant.

CASE NO. C17-5289RBL

ORDER DENYING APPLICATION  
TO PROCEED IN FORMA PAUPERIS

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14 THIS MATTER is before the Court on Plaintiff Tatyana Mason's application to proceed  
15 in forma pauperis, supported by her proposed complaint [Dkt. #s 1, 3, and 4]. She seeks to sue  
16 her ex-husband, apparently to enforce or get recognition of the effect of an I-584 immigration  
17 affidavit he signed to obtain her fiancé visa. After the marriage, John Mason made his wife the  
18 victim of domestic violence, and they were divorced.

19 Mason's complaint in this Court does not assert any claims against John Mason. Instead  
20 it describes her financial situation, and includes a series of filings from what appears to a  
21 dissolution or child custody case in Thurston County.

22 A district court may permit indigent litigants to proceed *in forma pauperis* upon  
23 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad  
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1 discretion in resolving the application, but “the privilege of proceeding *in forma pauperis* in civil  
2 actions for damages should be sparingly granted.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir.  
3 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should “deny leave to proceed *in*  
4 *forma pauperis* at the outset if it appears from the face of the proposed [pleading] that the action  
5 is frivolous or without merit.” *Tripati v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir.  
6 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*  
7 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*  
8 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.  
9 1984).

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

17 Tatyana Mason’s proposed complaint against her ex-husband does not meet this standard.  
18 First, she has not identified any claim against John Mason; she does not tell the court what he  
19 did, when, or why, or how it adds up to a claim against him that is properly in this Court. She  
20 does not actually ask the Court to do anything to compensate her or otherwise grant her some  
21 relief. She has instead only described her own financial difficulties and provided copies of  
22 documents from another court. She refers to the Thurston County Superior Court as “the lower  
23 court;” but that is not accurate.

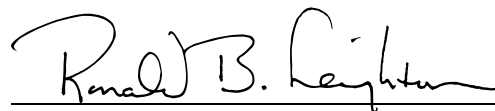
1 This Court cannot and will not review or reverse decisions made in state court. The  
2 *Rooker-Feldman* doctrine precludes “cases brought by state-court losers complaining of injuries  
3 caused by state-court judgments . . . and inviting district court review and rejection of those  
4 judgments.” *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284, 125 S. Ct. 1517,  
5 1521, 161 L. Ed. 2d 454 (2005). [W]hen a losing plaintiff in state court brings a suit in federal  
6 district court asserting as legal wrongs the allegedly erroneous legal rulings of the state court and  
7 seeks to vacate or set aside the judgment of that court, the federal suit is a forbidden *de facto*  
8 appeal. *Noel v. Hall*, 341 F.3d 1148, 1156 (9<sup>th</sup> Cir. 2003); *Carmona v. Carmona*, 603 F.3d 1041,  
9 1050 (9<sup>th</sup> Cir. 2008).

10 This is a trial court, not an appellate court, and it is a court of limited jurisdiction. To  
11 state a claim here, the plaintiff must identify an actual claim, and identify both the basis for this  
12 Court’s jurisdiction over the claim, and its jurisdiction over the parties. The motion to proceed *in*  
13 *forma pauperis* is DENIED. Plaintiff Mason shall pay the filing fee or file a proposed amended  
14 complaint within 21 days of this Order or the case will be dismissed.

15 Any proposed amended complaint shall address the above deficiencies. It must identify  
16 the “who what when where why and how” of the claim, identify the basis of the claim, the basis  
17 for the Court’s jurisdiction over it, and identify the relief that she seeks and why this Court can  
18 give it to her.

19 IT IS SO ORDERED.

20 Dated this 30<sup>th</sup> day of May, 2017.

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23 Ronald B. Leighton  
24 United States District Judge