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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 GARY CASTERLOW-BEY,

7 Plaintiff,

8 v.

9 TACOMA NEWS TRIBUNE,

10 Defendant.

CASE NO. C17-5560 BHS

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

11 This matter comes before the Court on Plaintiff Gary Casterlow-Bey's motion to
12 proceed *in forma pauperis* and proposed complaint. Dkts. 1, 1-1.

13 On July 20, 2017, Casterlow-Bey filed the instant motion and proposed complaint
14 alleging state law causes of action against Defendant Tacoma News Tribune ("TNT").
15 Although Casterlow-Bey admits that TNT is based in Tacoma, he argues that its
16 published content has nationwide implications that cause harm to him. Dkt. 1-1 at 1.

17 The Court may permit indigent litigants to proceed *in forma pauperis* upon
18 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The Court,
19 however, has broad discretion in denying an application to proceed *in forma pauperis*.
20 *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). In
21 civil actions for damages, the privilege to proceed *in forma pauperis* should be allowed
22 only in exceptional circumstances. *Id.* at 600. "A district court may deny leave to

1 proceed *in forma pauperis* at the outset if it appears from the face of the proposed
2 complaint that the action is frivolous or without merit.” *Tripati v. First Nat’l Bank &*
3 *Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987).

4 In this case, Casterlow-Bey fails to properly assert jurisdiction. “[T]he party
5 asserting diversity jurisdiction bears the burden of proof” *Kanter v. Warner-*
6 *Lambert Co.*, 265 F.3d 853, 857–58 (9th Cir. 2001). “Section 1332 requires complete
7 diversity of citizenship; each of the plaintiffs must be a citizen of a different state than
8 each of the defendants.” *Morris v. Princess Cruises, Inc.*, 236 F.3d 1061, 1067 (9th Cir.
9 2001) (citing *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68 (1996)). Casterlow-Bey
10 concedes that TNT is a company based in Tacoma and that he is a citizen of Washington.
11 The Court is unaware of and Casterlow-Bey has failed to show any exception to the
12 requirement of complete diversity based solely on the national implications of a
13 company’s work. Therefore, the Court concludes that Casterlow-Bey’s assertion that
14 diversity jurisdiction exists is without merit. The Court **DENIES** Casterlow-Bey’s
15 motion to proceed *in forma pauperis* and **DISMISSES** Casterlow-Bey’s complaint. The
16 Clerk shall close this case.

17 **IT IS SO ORDERED.**

18 Dated this 7th day of August, 2017.

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21 **BENJAMIN H. SETTLE**
22 United States District Judge