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

8 GARY CASTERLOW-BEY,

9 Plaintiff,

v.

10 TACOMA NEWS TRIBUNE,

11 Defendant.

CASE NO. C17-5649 BHS

ORDER

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13 This matter comes before the Court on Plaintiff Gary Casterlow-Bey's
14 ("Plaintiff") amended civil rights complaint (Dkt. 6).

15 On August 16, 2017, Plaintiff filed a motion to proceed *in forma pauperis*, a
16 motion for appointment of counsel, and a proposed civil rights complaint. Dkts. 1, 1-1,
17 1-2. On August 31, 2017, the Honorable Ronald B. Leighton, United States District
18 Judge, denied Plaintiff's motions, dismissed the complaint without prejudice for failure to
19 state a claim, and granted Plaintiff leave to amend. Dkt. 4.

20 On September 7, 2017, Plaintiff filed a motion for temporary restraining order.
21 Dkt. 5. On September 11, 2017, Plaintiff filed an amended civil rights complaint alleging
22 Defendant Tacoma News Tribune ("TNT") violated his First and Eighth Amendment

1 rights. Dkt. 6. On September 14, 2017, Plaintiff filed a motion for leave to file excess
2 pages. Dkt. 7. On September 28, 2017, Plaintiff filed a statement of jurisdiction
3 asserting that the Court has jurisdiction under 28 U.S.C. § 1331 because his claims are
4 asserted under 42 U.S.C. § 1983. Dkt. 9. On October 10, 2017, Judge Leighton
5 transferred the matter to the undersigned as a related matter. Dkt. 10.

6 Based on Plaintiff's filings, it is unclear whether Plaintiff intends to pay the filing
7 fee or intends to proceed *in forma pauperis*. If the latter, then the Court may assess the
8 merits of the complaint before granting the motion. *See Tripathi v. First Nat'l Bank &*
9 *Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987) (citations omitted). Therefore, Plaintiff must
10 either pay the filing fee or file a motion to proceed *in forma pauperis* no later than
11 November 3, 2017. Failure to respond to this order will result in dismissal of the
12 complaint without prejudice.

13 **IT IS SO ORDERED.**

14 Dated this 11th day of October, 2017.

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BENJAMIN H. SETTLE
United States District Judge