

1 HONORABLE RONALD B. LEIGHTON

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

9 EARL TILLIS,

10 Plaintiff,

v.

11 BOEING EMPLOYEE CREDIT  
12 UNION,

13 Defendant.

CASE NO. C18-5512 RBL

ORDER DENYING MOTION FOR  
LEAVE TO PROCEED IN FORMA  
PAUPERIS

14 THIS MATTER is before the Court on Plaintiff Tillis’s Motion for leave to *proceed in*  
15 *forma pauperis*, supported by his proposed complaint. Tillis seeks to sue BECU, he identifies an  
16 amount in controversy of \$9950, and he references the interpleader statute. But he has alleged no  
17 facts surrounding the dispute— the “who what when where and why” of a plausible claim, over  
18 which this court has jurisdiction.

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

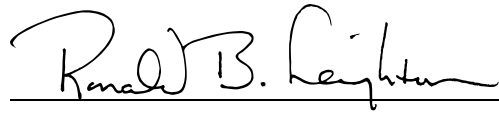
13 Ordinarily, the Court will permit *pro se* litigants an opportunity to amend their complaint  
14 in order to state a plausible claim. *See United States v. Corinthian Colleges*, 655 F.3d 984, 995  
15 (9th Cir. 2011) (“Dismissal without leave to amend is improper unless it is clear, upon *de novo*  
16 review, that the complaint could not be saved by any amendment.”)

17 Tillis has not met this standard. He cites the interpleader statute, but does not otherwise  
18 attempt to state a claim. His motion for leave to proceed IFP is therefore DENIED. Tillis must  
19 pay the filing fee or file a proposed amended complaint within 21 days or this matter will be  
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1 dismissed. The complaint should identify the parties and the claim or dispute he is asking the  
2 court to resolve, consistent with this Order.

3 IT IS SO ORDERED.

4 Dated this 28<sup>th</sup> day of June, 2018.

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7 Ronald B. Leighton  
8 United States District Judge  
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