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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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8 MARTHA MARIE FLANAGAN,

Plaintiff,

9 v.

10 KELLY R. JOHNSTON, et al.,

11 Defendant.

CASE NO. C24-5313 BHS

ORDER

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13 THIS MATTER is before the Court on pro se plaintiff Martha Marie Flanagan's
14 December 6, 2024, motion for leave to appeal *in forma pauperis*, Dkt. 18.

15 On June 21, 2024, the Court adopted Magistrate Judge Theresa L. Fricke's Report
16 and Recommendation (R&R), Dkt. 5, denied Flanagan's application to proceed *in forma*
17 *pauperis*, dismissed the case without prejudice for failure to state a plausible claim, and
18 entered a judgment. Dkts. 8, 9. Flanagan did not appeal.

19 The Court denied Flanagan's motion to re-open the case on September 17, 2024.
20 Dkt. 13. Flanagan purported to file a notice of appeal of that order on October 8. Dkt. 14.

1 Flanagan now asks the Court to permit her to appeal *in forma pauperis*. Dkt. 18.
2 Her motion is on a Ninth Circuit standard financial form, and it asserts that she has no
3 assets. The Court accepts that Flanagan is indigent and cannot afford the filing fee.

4 But proceeding *in forma pauperis* status also requires the plaintiff to state a
5 plausible claim, or make a showing that there is some potential merit to her appeal. *See*
6 28 U.S.C. § 1915(a)(3) (an appeal may not be taken *in forma pauperis* if the trial court
7 certifies in writing that it is not taken in good faith.).

8 The Court cannot conclude that Flanagan’s appeal is taken in good faith because it
9 does not have any substantive merit. First, the appeal is facially time-barred. The
10 underlying judgment, Dkt. 9, was entered six months ago. *See* Fed. R. App. P. 4(a)
11 (notice of appeal must be filed within 30 days of the judgment or order). Second, there is
12 no plausible merit to Flanagan’s underlying claims. *See* R&R, Dkt. 5, outlining the
13 deficiencies in Flanagan’s claim.

14 Flanagan’s motion to appeal *in forma pauperis*, Dkt. 18, is **DENIED**. The case
15 remains closed.

16 **IT IS SO ORDERED.**

17 Dated this 7th day of January, 2025.

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BENJAMIN H. SETTLE
21 United States District Judge
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