

MAR 20 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

KEVIN WILLIAM KING,

Plaintiff - Appellant,

v.

COUNTY OF LOS ANGELES; LOS  
ANGELES COUNTY SHERIFFS  
DEPARTMENT,

Defendants - Appellees.

No. 13-56473

D.C. No. 2:13-cv-04813-UA-VBK

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
George H. King, Chief Judge, Presiding

Submitted March 10, 2015\*\*

Before: FARRIS, WARDLAW, and PAEZ, Circuit Judges.

Former California state prisoner Kevin William King appeals pro se from the district court's order denying him leave to file his complaint in forma pauperis.

We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

discretion. *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). We reverse and remand.

While the grant or denial of a request to proceed in forma pauperis is discretionary, the district court’s mere statement that King “may request the Court to allow him to amend [the complaint in another pending action] to add any new allegations” is not an adequate basis for denying King’s request to proceed in forma pauperis in this action. *See Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987) (“A district court may deny leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit.”).

**REVERSED and REMANDED.**