



2017 FEB 10 AM 11:45

Linda Myhre Enlow  
Thurston County Clerk

1  EXPEDITE  
2  No Hearing Set  
3  Hearing is Set  
4 Date: February 10, 2017  
5 Time: 11:15a.m.  
6 The Honorable James Dixon

7  
8 **STATE OF WASHINGTON**  
9 **THURSTON COUNTY SUPERIOR COURT**

10 DAVID TROUPE,

11 Plaintiff,

12 v.

13 WASHINGTON DEPARTMENT OF  
14 CORRECTIONS,

15 Defendant.

NO. 16-2-04332-34

ORDER ON MOTION TO DISMISS  
AND MOTION TO REVOKE *IN*  
*FORMA PAUPERIS* STATUS

16 THIS MATTER coming on for hearing on February 10, 2017, on the motion of  
17 Defendant, Washington State Department of Corrections, to dismiss for failure to state a claim  
18 under CR 12(b)(1), (2), (5), and (6), and its motion to revoke Plaintiff David Troupe's *in forma*  
19 *pauperis* (IFP) status, and Defendant appearing by Robert W. Ferguson, Attorney General, and  
20 Daniel J. Judge, Senior Counsel, Plaintiff David Troupe appearing telephonically, and the Court  
21 having heard argument, considered the records and files herein, including:

22  
23 **FOR THE MOTION TO DISMISS:**

24 1. Defendant's motion to dismiss under CR 12(b)(1),(2),(5), and(6) and supporting  
25 memorandum;  
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- 1 2. Plaintiff's Complaint filed in this matter;  
2 3. Plaintiff's Response, if any; and,  
3 4. Defendant's Reply, if any;

4 **FOR THE MOTION TO REVOKE IFP STATUS**

- 5 1. Defendant's motion to revoke IFP status and supporting memorandum;  
6 2. Certified Copies of Orders and Order Accompanying the Declaration of Aaron  
7 Williams (marked Exhibits 1 through 4);  
8 3. Plaintiff's Response, if any; and,  
9 4. Defendant's Reply, if any;

10 and THIS COURT being fully advised; now, therefore,  
11

12 IT IS HEREBY ORDERED that Defendant's Motion to DISMISS is GRANTED and  
13 Plaintiff's claims are DISMISSED WITH PREJUDICE.

14 IT IS FURTHER ORDERED that Defendant's Motion to Revoke IFP Status is  
15 GRANTED.  
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17 IT IS FURTHER ORDERED that Plaintiff's Complaint in this matter is frivolous and is  
18 deemed a strike under RCW 4.24.430.

19 DONE IN OPEN COURT this 10 day of February, 2017.

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23 JUDGE JAMES DIXON

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26 //

1 Presented by:

2 ROBERT W. FERGUSON

3 Attorney General

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5 DANIEL J. JUDGE, WSBA No. 17392

6 Senior Counsel, OID #91023

7 Attorneys for Defendant

8 Approved as to Form: Notice of Presentment Waived:

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10 DAVID TROUPE

11 Plaintiff, *pro se*

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