

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUL 07 2015

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CARL STEVEN TOBIN,

Plaintiff - Appellant,

v.

KING COUNTY DEPARTMENT OF  
ADULT AND JUVENILE  
DETENTION; et al.,

Defendants - Appellees.

No. 15-35190

D.C. No. 2:14-cv-00034-MJP  
U.S. District Court for Western  
Washington, Seattle

**ORDER**

A review of the file in this case reveals that the appellant has failed to perfect the appeal as prescribed by the Federal Rules of Appellate Procedure.

Pursuant to Ninth Circuit Rule 42-1, this appeal is dismissed for failure to respond to the order of this court dated June 9, 2015.

This order served on the district court shall constitute the mandate of this court.

FOR THE COURT:  
Molly C. Dwyer  
Clerk of Court

Tina S. Price  
Deputy Clerk

**Melby, Cherrie (ATG)**

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**From:** ca9\_ecfnoticing@ca9.uscourts.gov  
**Sent:** Tuesday, July 07, 2015 12:35 PM  
**To:** ATG MI COR OLY LA EF  
**Subject:** 15-35190 Carl Tobin v. King County Department of Adul, et al "Dispositive Clerk Order Filed"

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**United States Court of Appeals for the Ninth Circuit**

**Notice of Docket Activity**

The following transaction was entered on 07/07/2015 at 12:33:37 PM PDT and filed on 07/07/2015

**Case Name:** Carl Tobin v. King County Department of Adul, et al  
**Case Number:** 15-35190  
**Document(s):** Document(s)

**Docket Text:**

Filed order (Deputy Clerk: TSP) Dismissing case for failure to prosecute (Cir. Rule 42-1) Pursuant to Circuit Rule 42-1, this appeal is dismissed for failure to respond to order. (Order dated 06/09/2015), This order served on the district court shall constitute the mandate of this court. [9601052] (TSP)

**Notice will be electronically mailed to:**

Mr. Timothy J. Feulner, Assistant Attorney General  
Honorable Marsha J. Pechman, Chief District Judge  
USDC, Seattle  
Allyson K. Zerba, Senior Litigation Attorney

**Case participants listed below will not receive this electronic notice:**

Carl Steven Tobin  
WSP - WASHINGTON STATE PENITENTIARY - WALLA WALLA  
1313 North 13th Ave.  
Walla Walla, WA 99362

The following document(s) are associated with this transaction:  
**Document Description:** 42-1 Closing Order Form

**Original Filename:** /opt/ACECF/live/forms/TinaPrice\_1535190\_9601052\_v2Order-42-1-ClosingOrderForm\_199.pdf

**Electronic Document Stamp:**

[STAMP acecfStamp\_ID=1106763461 [Date=07/07/2015] [FileNumber=9601052-0]

[9f348ceb4425932d81a753833f4abe0b37dce7ad869ced4b6b49996a332413d97b19fc7253e3334a5859114793c034c4923fad9a28b1a46dd6e56689890e164b]]

**Recipients:**

- Mr. Timothy J. Feulner, Assistant Attorney General
- Honorable Marsha J. Pechman, Chief District Judge
- Carl Steven Tobin
- USDC, Seattle
- Allyson K. Zerba, Senior Litigation Attorney

**FILED**

UNITED STATES COURT OF APPEALS

JUN 09 2015

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CARL STEVEN TOBIN,

Plaintiff - Appellant,

v.

KING COUNTY DEPARTMENT OF  
ADULT AND JUVENILE DETENTION;  
et al.,

Defendants - Appellees.

No. 15-35190

D.C. No. 2:14-cv-00034-MJP  
Western District of Washington,  
Seattle

ORDER

Before: McKEOWN and PAEZ, Circuit Judges.

Appellant's motion to proceed in forma pauperis is denied because we find that the appeal is frivolous. If appellant wishes to pursue this appeal despite the court's finding that it is frivolous then, within 21 days after the date of this order, appellant shall pay \$505.00 to the district court as the docketing and filing fees for this appeal and file proof of payment with this court. Otherwise, the appeal will be dismissed by the Clerk for failure to prosecute, regardless of further filings. *See* 9th Cir. R. 42-1.

No motions for reconsideration, clarification, or modification of the denial of appellant's in forma pauperis status shall be entertained.

SL/MOATT

**Melby, Cherrie (ATG)**

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**From:** ca9\_ecfnoticing@ca9.uscourts.gov  
**Sent:** Tuesday, June 09, 2015 11:19 AM  
**To:** ATG MI COR OLY LA EF  
**Subject:** 15-35190 Carl Tobin v. King County Department of Adul, et al "Order Filed"

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**United States Court of Appeals for the Ninth Circuit**

**Notice of Docket Activity**

The following transaction was entered on 06/09/2015 at 11:17:55 AM PDT and filed on 06/09/2015

**Case Name:** Carl Tobin v. King County Department of Adul, et al  
**Case Number:** 15-35190  
**Document(s):** Document(s)

**Docket Text:**

Filed order (M. MARGARET MCKEOWN and RICHARD A. PAEZ) Appellant's motion to proceed in forma pauperis is denied because we find that the appeal is frivolous. If appellant wishes to pursue this appeal despite the court's finding that it is frivolous then, within 21 days after the date of this order, appellant shall pay \$505.00 to the district court as the docketing and filing fees for this appeal and file proof of payment with this court. Otherwise, the appeal will be dismissed by the Clerk for failure to prosecute, regardless of further filings. See 9th Cir. R. 42-1. No motions for reconsideration, clarification, or modification of the denial of appellant's in forma pauperis status shall be entertained. Because the court has found that this appeal is frivolous, the district court judgment may be summarily affirmed even if appellant pays the fees. If appellant pays the fees and files proof of such payment in this court, appellant therefore shall simultaneously show cause why the judgment challenged in this appeal should not be summarily affirmed. See 9th Cir. R. 3-6. If appellant elects to show cause, a response may be filed within 10 days after service of appellant's filing. If appellant pays the fees but fails to file a response to this order, the Clerk shall dismiss this appeal for failure to prosecute. See 9th Cir. R. 42-1. If the appeal is dismissed for failure to comply with this order, the court will not entertain any motion to reinstate the appeal that is not accompanied by proof of payment of the docketing and filing fees and a response to the order to show cause. Briefing is suspended pending further order of this court. [9566853] (IV)

**Notice will be electronically mailed to:**

Mr. Timothy J. Feulner, Assistant Attorney General  
Honorable Marsha J. Pechman, Chief District Judge  
USDC, Seattle  
Allyson K. Zerba, Senior Litigation Attorney

**Melby, Cherrie (ATG)**

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**From:** ECF@wawd.uscourts.gov  
**Sent:** Tuesday, June 09, 2015 4:37 PM  
**To:** ECF@wawd.uscourts.gov  
**Subject:** Activity in Case 2:14-cv-00034-MJP Tobin v. King County Department of Adult and Juvenile Detention et al Order of USCA

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**U.S. District Court**

**United States District Court for the Western District of Washington**

**Notice of Electronic Filing**

The following transaction was entered on 6/9/2015 at 4:37 PM PDT and filed on 6/9/2015

**Case Name:** Tobin v. King County Department of Adult and Juvenile Detention et al

**Case Number:** 2:14-cv-00034-MJP

**Filer:**

**WARNING: CASE CLOSED on 01/26/2015**

**Document Number:** 63

**Docket Text:**

**ORDER of USCA (15-35190) as to [56] Notice of Appeal, filed by Carl Steven Tobin. Appellant's motion to proceed in forma pauperis is DENIED because we find that the appeal is frivolous.**

**\*\*DO NOT PRINT\*\***. (SG)

**2:14-cv-00034-MJP Notice has been electronically mailed to:**

Allyson K Zerba [allyson.zerba@kingcounty.gov](mailto:allyson.zerba@kingcounty.gov), [karen.richardson@kingcounty.gov](mailto:karen.richardson@kingcounty.gov),  
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Timothy J Feulner [timfl@atg.wa.gov](mailto:timfl@atg.wa.gov), [CORreader@atg.wa.gov](mailto:CORreader@atg.wa.gov), [corolyaef@ATG.WA.GOV](mailto:corolyaef@ATG.WA.GOV)

Carl Steven Tobin [docwspinmatefederal@DOC1.WA.GOV](mailto:docwspinmatefederal@DOC1.WA.GOV)

**2:14-cv-00034-MJP Notice will not be electronically mailed to:**

The following document(s) are associated with this transaction:

**Melby, Cherrie (ATG)**

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**From:** ECF@wawd.uscourts.gov  
**Sent:** Thursday, July 09, 2015 9:45 AM  
**To:** ECF@wawd.uscourts.gov  
**Subject:** Activity in Case 2:14-cv-00034-MJP Tobin v. King County Department of Adult and Juvenile Detention et al Mandate of USCA

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**U.S. District Court**

**United States District Court for the Western District of Washington**

**Notice of Electronic Filing**

The following transaction was entered on 7/9/2015 at 9:44 AM PDT and filed on 7/9/2015

**Case Name:** Tobin v. King County Department of Adult and Juvenile Detention et al

**Case Number:** 2:14-cv-00034-MJP

**Filer:**

**WARNING: CASE CLOSED on 01/26/2015**

**Document Number:** 64

**Docket Text:**

**MANDATE of USCA (15-35190) as to [56] Notice of Appeal, filed by Carl Steven Tobin. A review of the file in this case reveals that the appellant has failed to perfect the appeal as prescribed by the Federal Rules of Appellate Procedure. Pursuant to Ninth Circuit Rule 42-1, this appeal is dismissed for failure to respond to the order of this court dated June 9, 2015. This order served on the district court shall constitute the mandate of this court. \*1 PAGE, PRINT ALL\*.(SG)**

**2:14-cv-00034-MJP Notice has been electronically mailed to:**

Allyson K Zerba [allyson.zerba@kingcounty.gov](mailto:allyson.zerba@kingcounty.gov), [kris.bridgman@kingcounty.gov](mailto:kris.bridgman@kingcounty.gov),  
[robin.hohl@kingcounty.gov](mailto:robin.hohl@kingcounty.gov)

Timothy J Feulner [timfl@atg.wa.gov](mailto:timfl@atg.wa.gov), [CORreader@atg.wa.gov](mailto:CORreader@atg.wa.gov), [corolyaef@ATG.WA.GOV](mailto:corolyaef@ATG.WA.GOV)

Carl Steven Tobin [docwspinmatefederal@DOC1.WA.GOV](mailto:docwspinmatefederal@DOC1.WA.GOV)

**2:14-cv-00034-MJP Notice will not be electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1035929271 [Date=7/9/2015] [FileNumber=5727810-0]  
[65fcc7c3061bb82e5b2f60632758b5719545a51a007defa465d2f103e0fb0031183c  
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