

**IN THE UNITED STATES DISTRICT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>BRENT JACOBY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION NO. 13-0070-KD-B</b>
	)	
<b>SHERIFF HUEY MACK, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This action is before the Court on Plaintiff Brent Jacoby’s “Motion to Order the Court to Reimburse Overpaid Filing Fees” (Doc. 112). Upon consideration, and for the reasons set forth herein, the motion is DENIED.

Previously, Jacoby moved the Court for refund of any overpayment in this action that may have resulted from payments sent from his inmate account by the Alabama Department of Corrections. The Court determined that \$19.30 had been overpaid in this action and directed the Clerk to refund the money (doc. 110). However, the Clerk had already credited the \$19.30 to the balance due in Jacoby v. Baldwin County, Alabama, et al., Civil Action No. 2012-CV-00366-CG-C (S.D. Ala. 2013), which Jacoby had previously filed in this Court.

In Bruce v. Samuels, 136 S. Ct. 627 (2016), the Supreme Court recognized that the *in forma pauperis* statute, 28 U.S.C. § 1915(b)(2),<sup>1</sup> “does not explicitly address whether multiple filing fees (after the initial partial payment) should be paid simultaneously or sequentially.” Id. at

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<sup>1</sup> “(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account. The agency having custody of the prisoner shall forward payments from the prisoner’s account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.”

631. Inmate Bruce and the United States presented “competing interpretations.” Id. Ultimately, the Supreme Court held that the statute “calls for simultaneous, and not sequential, recoupment of multiple filing fees.” Id. Accordingly, the \$19.30 having been simultaneously credited against another filing fee owed to the Court, Jacoby is not due a refund in this action.

**DONE and ORDERED** this the 7th day of April 2020.

s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**CHIEF UNITED STATES DISTRICT JUDGE**