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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Richard Steven Riess,
Plaintiff,
vs.
Robert Cordero, et al.,
Defendants.

No. CV 09-1760-PHX-RCB (ECV)

ORDER

Plaintiff Richard Steven Riess, inmate# A088-664-582, who is confined in the Eloy Detention Center in Eloy, Arizona, filed an action under Bivens v. Six Unknown Narcotics Agents, 403 U.S. 388 (1971). In an Order filed on October 22, 2009, the Court ordered the Warden of Eloy Detention Center or his designee to collect payments from Plaintiff's trust account for the \$350.00 filing fee and to forward those payments to the Clerk of Court each time the amount in the account exceeded \$10.00. Plaintiff has filed a motion asking that the Order be vacated because he is an immigration detainee. (Doc.# 9.) Plaintiff's motion will be granted and any funds collected and forwarded to the Court will be ordered returned to Plaintiff.

IT IS ORDERED:

(1) The reference to the Magistrate Judge is withdrawn solely as to Plaintiff's motion to vacate the filing fee, doc.# 9.

1 (2) Plaintiff's motion to vacate the October 22, 2009 Order , doc.# 5, requiring that
2 the filing fee be collected from Plaintiff's trust account incrementally is **granted** as stated
3 below. (Doc.# 9.)

4 (3) The October 22, 2009 Order, doc.# 5, directing the Warden of Eloy Detention
5 Center or his designee to collect a \$350.00 filing fee from Plaintiff's trust account in
6 connection with this case is **vacated**. The Warden or his designee must promptly restore to
7 Plaintiff's trust account any sums collected in connection with this action that have not yet
8 been forwarded to the Court.

9 (4) The Clerk of Court must serve by mail a copy of this Order on the Warden of
10 Eloy Detention Center, 1705 East Hanna Road, Eloy, Arizona, 85231.

11 (5) The Clerk of Court must forward a copy of this Order to Financial
12 Administration for the Phoenix Division of the United States District Court for the District
13 of Arizona. Financial Administration must return any payments received for the filing fee
14 in connection with this action to the Plaintiff c/o the Warden of Eloy Detention Center or his
15 designee.

16 Dated this 12th day of January , 2010 .

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21 Robert C. Broomfield
22 Senior United States District Judge
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