

1 On January 24, 2011, Plaintiff filed a “Letter” in which he requests that his filing fee
2 be refunded, and that the Court provide him with information about where to file a lawsuit
3 against the police or military and provide him with the addresses and phone numbers of
4 several government agencies.

5 First, it is improper for a party to communicate directly with court personnel. Simply
6 mailing a letter to the Clerk of Court, the judge, or any court personnel is unacceptable. Any
7 request for action by the Court must be in the form of a motion that complies with the Rules
8 of Practice of the United States District Court for the District of Arizona (the Local Rules).
9 Any future letters directed to the Clerk of Court, the judge, or any court personnel will not
10 be filed, will be stricken from the record, and will be returned to Plaintiff.

11 With respect to Plaintiff’s request for return of the filing fee, 28 U.S.C. §1915(b)(1)
12 states:

13 [I]f a prisoner brings a civil action or files an appeal in forma pauperis, the
14 prisoner shall be required to pay the full amount of a filing fee. The court shall
15 assess and, when funds exist, collect, as a partial payment of any court fees
16 required by law, an initial partial filing fee of 20 percent of the greater of—
17 (A) the average monthly deposits to the prisoner's account; or
18 (B) the average monthly balance in the prisoner's account for the
19 6-monthly period immediately preceding the filing of the complaint or notice
20 of appeal.

21 Title 28 U.S.C. § 1915 does not provide any authority or mechanism for the Court to
22 waive the payment of Plaintiff’s filing fee, or to return the filing fee after dismissal of an
23 action.

24 It is clear that in amending 28 U.S.C. § 1915 with the enactment of the Prison
25 Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (Apr. 26, 1996) (PLRA),
26 Congress intended to provide financial disincentives for prisoners filing lawsuits in forma
27 pauperis. See Lyon v. Krol, 127 F.3d 763, 764 (8th Cir.1997) (“Congress enacted PLRA
28 with the principal purpose of deterring frivolous prisoner litigation by instituting economic
costs for prisoners wishing to file civil claims. See, e.g., H.R. Conf. Rep. No. 104-378, at
166-67 (1995); 141 Cong. Rec. S14626 (daily ed.) (Sept. 29, 1995) (statement of Sen.
Dole”).

