

1 **WO**

2

3

4

5

6

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

7

8

9

10 Andy Charles Bodie,

11 Plaintiff,

12 vs.

13 Tipten, et al., et al.,

14 Defendants.

15

16

No. CV 10-2788-PHX-RCB

**ORDER**

17 Before the Court is Plaintiff’s Motion for Refund of \$183.26 for overpayment of the  
18 appeal filing fee (Doc. 50).

19 Plaintiff Andy Charles Bodie initiated this civil rights action in December 2010 (Doc.  
20 1). In November 2011, the Court granted Defendants’ Motion to Dismiss and entered  
21 judgment in favor of Defendants (Docs. 42-43). Plaintiff filed an appeal to the Ninth Circuit  
22 Court of Appeals, and he was subsequently granted leave to proceed *in forma pauperis* in his  
23 appeal (Docs. 44, 48). The Arizona Department of Corrections (ADC) began collecting  
24 monthly payments from Plaintiff’s inmate account towards the \$455.00 appeal filing fee  
25 (Doc. 48). In August 2012, Plaintiff sent a \$400.00 payment to pay the balance of the appeal  
26 filing fee (Doc. 50 at 2).

27 With his Motion for Refund, Plaintiff submits a copy of his Inmate Bank Account  
28 Statement showing that \$238.26 has been collected from his account for the appeal filing fee.

1 This figure, plus his \$400.00 August payment, amounts to a total of \$638.26 (Doc. 50).  
2 Plaintiff therefore requests a refund of \$183.26 (id.).

3 Court records show that since August 2012, payments have been received in the  
4 amounts of \$36.47 and \$137.21. Refund checks in these amounts have been issued, for a  
5 total of \$173.68.<sup>1</sup> To date, all overpayment amounts received from ADC have been refunded  
6 by the Court, and it is not clear why there is a \$10.00 discrepancy between the Court's  
7 records and Plaintiff's Inmate Bank Account Statement.

8 Plaintiff's Motion for Refund will be granted to the extent that he is entitled to a  
9 refund and, to date, \$173.68 has been refunded. If and when any further payments are  
10 received by the Court, they will be refunded. In conjunction with this Order, the Court will  
11 issue a separate Order to the ADC directing it to immediately stop collecting payments from  
12 Plaintiff's account for the appeal filing fee.


13 **IT IS ORDERED:**

14 (1) Plaintiff's Motion for Refund (Doc. 50) is **granted** as set forth above.

15 (2) The ADC Director or his designee must immediately stop collecting payments  
16 from Plaintiff's inmate account for the filing fee in Ninth Circuit Case No. 11-17845.

17 (3) Any further payments received by the Court will be refunded.

18 DATED this 25th day of October, 2012.

19  
20  
21   
22 Robert C. Broomfield  
23 Senior United States District Judge  
24  
25  
26  
27

28 <sup>1</sup>A refund check in the amount of \$36.47 was issued on September 25, 2012, and a  
refund check in the amount of \$137.21 was issued on October 19, 2012.