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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,

Plaintiff,

v.

A. K. SCRIBNER, et al.,

Defendants.

Case No. 1:04-cv-05953 LJO DLB PC

ORDER REGARDING PLAINTIFF'S
MOTION FOR JUDICIAL NOTICE AND
MOTION FOR COURT ORDER
[ECF Nos. 258, 259]

ORDER DIRECTING CLERK OF COURT TO
SERVE ORDER ON CSP-SACRAMENTO
TRUST ACCOUNT OFFICE

Plaintiff Donald Glass ("Plaintiff") is a state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on July 14, 2004. On September 7, 2004, Plaintiff paid the filing fee for this action. (ECF No. 11.) On December 1, 2010, a jury rendered a verdict in this case in favor of Defendants. On January 13, 2011, Plaintiff filed a notice of appeal. On February 9, 2011, the District Court granted Plaintiff in forma pauperis status on appeal. (ECF No. 241.) The order directed the CDCR to send the Clerk of the Court payments from Plaintiff's account each time the amount of the account exceeds \$10.00, until the \$455.00 statutory filing fee for appeal number 11-15109 is paid in full. (ECF No. 241.)

On June 4, 2014, Plaintiff filed two motions concerning the filing fees in this action. Plaintiff states he has paid the filing fee for this action, and he is only responsible for the appellate filing fee of \$455.00. However, he states prison officials are deducting payments for two filing fees of \$455.00. He states prison officials have imposed deductions for a \$455.00 filing fee for the

1 instant case: 1:04-cv-05953-LJO-DLB.

2 Plaintiff is correct that he has paid the filing fee in the instant action. Therefore, any
3 deduction for a filing fee in this action is erroneous. Plaintiff's trust account should only be
4 deducted for the filing fee owed for the appeal. To the extent that Plaintiff's trust account has been
5 deducted for a filing fee in this action, the trust account office is directed to return said funds and
6 remove any filing fee attached to this case (1:04-cv-05953-LJO-DLB). The Clerk of Court is
7 DIRECTED to serve a copy of this Order on the prison trust account office at California State
8 Prison, Sacramento.

9
10 IT IS SO ORDERED.

11 Dated: March 31, 2015

/s/ Dennis L. Beck
12 UNITED STATES MAGISTRATE JUDGE