

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL LOUIS FOSTER,

CASE NO. 1:08-cv-01849-LJO-SKO PC

Plaintiff,

ORDER FINDING NO ENTITLEMENT TO
EXPENSES AND DISCHARGING ORDER

v.

(Docs. 55 and 65)

A. ENENMOH,

Defendant.

Plaintiff Michael Louis Foster, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 3, 2008. On April 16, 2012, the Court granted Plaintiff’s motion to compel and gave Plaintiff thirty days within which to set forth, under penalty of perjury, the reasonable expenses he incurred in making his motion. Fed. R. Civ. P. 37(a)(5)(A). Plaintiff was informed that if, due to indigency or other reason, he did not incur any expenses, he should state that fact.

On April 20, 2012, Plaintiff filed a notice of reasonable expenses that did not comply with the terms of the Court’s order. Specifically, Plaintiff sought attorney’s fees in the amount of \$265.50, to which he was not entitled as a pro se litigant.

On April 24, 2012, the Court provided Plaintiff with one final opportunity to set forth any reasonable expenses he actually incurred and notified Plaintiff that if he did not incur any expenses, he is not entitled to reimbursement. Fed. R. Civ. P. 37(a)(5)(A). The thirty-day deadline to comply with the order has expired without a response from Plaintiff.

///

1 Accordingly, no entitlement to expenses has been shown and the Court's order providing
2 Plaintiff with the opportunity to set forth reasonable expenses incurred is HEREBY DISCHARGED.

3
4
5
6 IT IS SO ORDERED.

7 **Dated: July 13, 2012**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE