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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

PUNAOFO TSUGITO TILEI,  
  
Plaintiff,  
  
v.  
  
McGUINNESS, et al.,  
  
Defendants.

**Case No. 1:10-cv-00069-LJO-SKO (PC)**  
  
**ORDER DENYING PLAINTIFF'S  
MOTIONS FOR REIMBURSEMENT  
OF FILING FEES**  
  
**(Docs. 83, 84)**

Plaintiff, Punafo Tsugito Tilei, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeded against Defendants C.M.O. William J. McGuinness M.D., Jeremy Wang M.D., H. Hasrdsri M.D., Joseph Obriza M.D., Julian Kim M.D., Jeffrey Neubarth M.D., N. Loadholt, FNP, and P. Rouch, FNP for deliberate indifference to Plaintiff's serious medical needs in violation of the Eighth Amendment which the Ninth Circuit found cognizable under section 1983. (Docs. 43, 44.)

Although this action has settled and closed, Plaintiff has filed two motions requesting reimbursement of filing fees which he believes were incorrectly withdrawn from his inmate trust account. (Docs. 83, 84.) Plaintiff seeks reimbursement of \$455.00 which he believes was incorrectly withdrawn as duplicate payment of the filing fee in this action.

The Court has reviewed Plaintiff's account and finds that Plaintiff is not owed a reimbursement. Specifically, Plaintiff owed the initial \$350.00 filing fee and two \$455.00 filing fees for two appeals he filed in this action. (See Docs. 29-31 for Appeal 13-16038; Docs. 35-37

1 for Appeal 13-6298.)<sup>1</sup>

2 Plaintiff submitted a copy of the transaction list for his account and underlined three  
3 \$455.00 withdrawals: one for Appeal 13-6298<sup>2</sup> and two for this case. (Doc. 84, p. 5.) The filing  
4 fee for this action was only \$350.00, not \$455.00. The Court already issued Plaintiff a \$105.00  
5 refund for the difference, which Plaintiff has acknowledged receiving. (Doc. 84, p. 2.) The  
6 current dispute lies over the second \$455.00 noted as withdrawn for the filing fee in this action.  
7 That sum was for Plaintiff's filing fee for Appeal 13-16038, and was not a duplicate payment of  
8 the filing fee in this action. The error merely lies in the notation of payment "source" for the  
9 \$455.00 withdrawal which Plaintiff disputes; it should reflect Appeal 13-16038, not this action.  
10 The Litigation Coordinator is requested to address and request correction of this error in the  
11 record keeping of Plaintiff's inmate trust account transaction list. If Plaintiff has further questions  
12 about this issue, he should contact the Kern Valley State Prison Litigation Coordinator.

13 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motions for reimbursement of  
14 incorrect filing fees, (Docs. 83, 84), are DENIED and the Clerk is ordered to send a copy of this  
15 order to the Litigation Coordinator at Kern Valley State Prison for assistance in correcting the  
16 erroneous second entry on the transaction list for Plaintiff's inmate trust account attributed to this  
17 case.

18 IT IS SO ORDERED.

19 Dated: September 30, 2018

20 /s/ Sheila K. Olerto  
21 UNITED STATES MAGISTRATE JUDGE

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27 <sup>1</sup> The Court also notes that Plaintiff filed another appeal in this action, Appeal 12-15553, (see Docs. 17-20), but is  
unaware whether that filing fee has been paid.

28 <sup>2</sup> Plaintiff does not dispute withdrawal of the filing fee for Appeal 13-6298.