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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY SHORTER,

Plaintiff,

v.

R. ROSENTHAL, et al.,

Defendants.

Case No. 1:10-cv-00610-LJO-DLB PC

ORDER DENYING PLAINTIFF'S MOTION
FOR CONFIRMATION OF COURT'S
RULING AS MOOT
(Document 68)

ORDER DENYING PLAINTIFF'S MOTION
TO EXPUNGE THE FILING FEE
(Document 71)

Plaintiff Anthony Shorter ("Plaintiff") is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. The Court granted summary judgment in favor of Defendants on May 31, 2013.

On June 12, 2013, Plaintiff filed a motion for confirmation of the Court's ruling. At the time of his filing, Plaintiff had not yet received the Court's May 31, 2013, order. As it now appears that Plaintiff has received the ruling, Plaintiff's motion is DENIED AS MOOT.

On June 27, 2013, Plaintiff filed a motion to expunge the filing fee. Plaintiff requests that the Court waive the balance of the \$350.00 filing fee in light of his financial situation.

The filing fee is collected by the Court as payment for filing the case. This action was filed on April 8, 2010, and the subsequent dismissal of the action does not change the fact that the case was filed. Therefore, Plaintiff is not entitled to reimbursement of any payment of the filing fee paid in this case.

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Accordingly, Plaintiff's motion to expunge the filing fee is DENIED.

IT IS SO ORDERED.

Dated: July 8, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE