

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

ANTHONY SHORTER,

Plaintiff,

v.

R. ROSENTHAL, et al.,

Defendants.

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

ORDER DENYING PLAINTIFF'S MOTION
TO QUASH FILING FEE

(ECF No. 80)

Plaintiff Anthony Shorter ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. This case was dismissed on May 31, 2013, after the Court granted Defendants' Motion for Summary Judgment.

On August 16, 2013, Plaintiff filed a motion for the Court to quash the balance of the \$350.00 filing fee. (ECF No. 76.) On August 21, 2013, the Court denied Plaintiff's motion. (ECF No. 77.) On February 12, 2014, Plaintiff filed a second motion to quash the balance of the \$350.00 filing fee. (ECF No. 80.)

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 a waiver of the remaining fees due.

///

///

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to quash the balance of the
2 filing fee is DENIED.
3 IT IS SO ORDERED.

4 Dated: August 13, 2014

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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