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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DANIEL YOUNG,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

CASE NO. 1:11-cv-01258-GBC (PC)

ORDER DENYING PLAINTIFF’S REQUEST
TO STOP FILING FEE PAYMENTS AND
ORDER DIRECTING CLERK OF THE COURT
TO CLOSE THIS CASE PURSUANT TO
PLAINTIFF’S NOTICE OF VOLUNTARY
DISMISSAL

/ (Doc. 7)

On July 27, 2011, Plaintiff Daniel Young filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(i). (Doc. 7). In the same motion, Plaintiff also requests that the Court stop the litigation fees from being withdrawn from his inmate trust account for the filing fee for this case. (Doc. 7). At this stage in the proceedings, Plaintiff has the absolute right to dismiss his claims, without prejudice. *Duke Energy Trading and Marketing, L.L.C. v. Davis*, 267 F.3d 1042, 1049 (9th Cir. 2001). The filing of the notice itself has the effect of closing the action, and the Court no longer has jurisdiction over the claims. *Id.*

Regardless of the status of this case, Plaintiff remains obligated to pay the filing fee in full. “[I]f a prisoner brings a civil action . . . in forma pauperis, the prisoner shall be required to pay the full amount of the filing fee.” 28 U.S.C. § 1915(b)(1). Plaintiff became liable for the filing fee upon the filing of his Complaint in this case. 28 U.S.C.A. § 1914, 1915(b)(1). The subsequent voluntary dismissal of this action does not absolve him of the obligation and §§ 1915 does not provide any authority or mechanism for the Court to excuse Plaintiff from having to pay the filing fee in full.

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1 Accordingly, Plaintiff's request to stop payments toward the filing fee is DENIED and the
2 Clerk of the Court is HEREBY DIRECTED to close this file pursuant to Plaintiff's notice of
3 voluntary dismissal filed on July 27, 2011.

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6 IT IS SO ORDERED.

7 Dated: September 19, 2011


UNITED STATES MAGISTRATE JUDGE