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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 LAWRENCE PEPE CARDOZA,

12 Plaintiff,

13 vs.

14 M. TANN, et al.,

15 Defendants.
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1:11-cv-01386-GSA-PC

ORDER DENYING AS MOOT
PLAINTIFF'S REQUEST FOR
RETURN OF OVERPAYMENT OF
FILING FEES, WITHOUT PREJUDICE
(ECF No. 142.)

18 Lawrence Pepe Cardoza ("Plaintiff") is a state prisoner proceeding *in forma pauperis*
19 with this civil rights action pursuant to 42 U.S.C. § 1983. On December 4, 2015, summary
20 judgment was entered in favor of defendants and the case was closed. (ECF No. 135.)

21 On March 15, 2019, Plaintiff filed a motion for return of overpayment of his filing fees.
22 (ECF No. 142.) Plaintiff asserts that the California Department of Corrections and
23 Rehabilitation continues to take funds from his trust account and send them to the court, even
24 though Plaintiff has paid all of the filing fees due. Plaintiff requests the court to reimburse him
25 for the monies that should not have been taken from his trust account.

26 The court has been informed by its financial department that Plaintiff's overpayment of
27 filing fees was recently reimbursed. Therefore, Plaintiff's request shall be denied as moot,
28 without prejudice.

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff's request for reimbursement of
2 the overpayment of his filing fees, filed on March 15, 2019, is DENIED as moot, without
3 prejudice.

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5 IT IS SO ORDERED.

6 Dated: March 22, 2019

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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