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

PAUL WELDON,  
Plaintiff,  
v.  
JERRY DYER, et al.,  
Defendants.

Case No. 1:13-cv-00540-LJO-SAB  
ORDER DENYING REQUEST FOR  
REFUND OF FILING FEE  
ECF NO. 169

On July 8, 2015, Plaintiff Paul Weldon (“Plaintiff”) filed a request for a refund of the filing fee he paid at the time he filed the complaint in Paul Weldon v. Economy Towing, et al., Case No. 1:14-cv-00549---SKO. For the reasons set forth below, the Court denies Plaintiff’s request for a refund.

Plaintiff filed his first action on April 15, 2013—Paul Weldon v. Jerry Dyer, et al., Case No. 1:13-cv-00540-LJO-SAB. Plaintiff filed a second action on April 18, 2014—Paul Weldon v. Economy Towing, et al., Case No. 1:14-cv-00549---SKO. Both actions involved the same factual predicate arising from an April 18, 2011 incident where Plaintiff was pulled over by a Fresno police officer. However, the two actions named different parties as defendants and raised different legal claims.

On June 12, 2014, the Court consolidated the two actions pursuant to Federal Rule of Civil Procedure 42. (ECF No. 56.) Judgment was entered in favor of Defendants in the

1 consolidated action on April 21, 2015 when the Court granted Defendants' motion for summary  
2 judgment. (ECF No. 148.)

3 Plaintiff now seeks a refund of the filing fee he paid in the second action filed on April  
4 18, 2014. Plaintiff argues that two filing fees are not necessary because the case was  
5 consolidated "and one filing fee should suffice."

6 Court filing fees are set and governed by 28 U.S.C. § 1914, et seq. Notably, nothing in  
7 Section 1914 authorizes a refund of a filing fee in actions which are consolidated. The Ninth  
8 Circuit has acknowledged, in the bankruptcy context, that "[t]here is no refund if separately filed  
9 cases are consolidated." In re Rabin, 359 B.R. 242, 248 n.10 (9th Cir. 2007). Plaintiff cites no  
10 authority supporting his request for a refund. Accordingly, the Court will deny the request.

11 Based upon the foregoing, it is HEREBY ORDERED that Plaintiff's request for a refund  
12 of his filing fee is DENIED (ECF No. 169).

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14 IT IS SO ORDERED.

15 Dated: July 13, 2015

  
UNITED STATES MAGISTRATE JUDGE

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