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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SEQUOYAH DESERTHAWK
KIDWELL,

Plaintiff,

v.

K.T. HUFFAN, ET. AL.,

Defendants.

Case No. 1:14-cv-00115-JLT-HBK

ORDER DENYING PLAINTIFF’S MOTION
TO VACATE FEES

(Doc. No. 51)

Pending before the Court, in this closed case, is Plaintiff’s “motion to vacate court-imposed fines now unenforceable and uncollectable per P.C. § 1465.9” filed on April 25, 2023. (Doc. No. 51). Plaintiff, a prisoner, requests the Court to vacate its order imposing costs/fines as required by Penal Code § 1465.9 because the Court failed to consider Plaintiff’s indigent status. (*Id.*).

The California penal code to which Plaintiff cites involves fines and fees imposed in state criminal cases. This case is neither a state case nor a criminal case. Instead, Plaintiff commenced this action by filing a civil lights complaint pursuant to 28 U.S.C. § 1983. (Doc. No. 1). Further, a review of the docket reveals the Court did not impose any fine on Plaintiff. On February 26, 2014, the Court granted Plaintiff’s motion to proceed in forma pauperis and assessed the full \$350.00 filing fee. (Doc. No. 8). To the extent Plaintiff refers to the \$350.00 filing fee in this case, that was not a fine or fee imposed on Plaintiff as punishment. Title 28 U.S.C. § 1915(a)(1)

1 permits a plaintiff to bring a civil action “without prepayment of fees or security thereof” if the
2 plaintiff submits a financial affidavit that demonstrates the plaintiff’s “is unable to pay such fees
3 or give security therefor.” However, under the Prison Litigation Reform Act, despite being
4 granted *in forma pauperis* status, all prisoners must pay the full amount of the fee. *Id.* 1915(b)(1)
5 (requiring a prisoner-plaintiff proceeding IFP “to pay the full amount of the filing fee.”).
6 Notably, Plaintiff cites no case law supporting his request and the undersigned is unaware of any
7 binding precedent requiring this Court to waive the \$350.00 statutory filing fee.

8 ACCORDINGLY, it is ORDERED:

9 Plaintiff’s “motion to vacate court-imposed fines now unenforceable and uncollectable per
10 P.C. § 1465.9” (Doc. No. 51) is DENIED.

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12 Dated: May 9, 2023


13 HELENA M. BARCH-KUCHTA
14 UNITED STATES MAGISTRATE JUDGE
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