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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERTO G. CASTANEDA,

Plaintiff,

v.

CRYER,

Defendant(s).

Case No. 1:14-cv-00658-LJO-MJS (PC)

**ORDER DENYING PLAINTIFF'S
MOTION FOR RELIEF FROM PAYMENT
OF FILING FEE**

(ECF No. 13)

Plaintiff, a state prisoner, proceeded pro se and in forma pauperis (“IFP”) in this civil rights action filed May 5, 2014 pursuant to 42 U.S.C. § 1983. On July 18, 2014, the action was dismissed with prejudice for failure to state a claim. Judgment was entered thereon, and the case was closed.

Before the Court is Plaintiff’s motion for relief from payment of the filing fee. He argues that he is entitled to such relief since the action was dismissed.

Plaintiff applied for and was granted in forma pauperis status based in part upon his agreement to pay the \$350 filing fee through monthly deductions from his prisoner trust account in accordance with 28 U.S.C. § 1915(b)(2). (ECF No. 2.) The Court, in its

1 order granting IFP, directed the prison to make such payments. (ECF No. 4, at ¶ 2.)
2 Plaintiff's argument that dismissal of the action reduces his fee payment obligation is
3 unsupported and contrary to both the IFP statute and his authorization for collection of
4 the entire filing fee from his prison trust account.

5
6 Accordingly, for the reasons stated, Plaintiff's motion for relief from payment of
7 the filing fee (ECF No. 13) is DENIED.

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9 IT IS SO ORDERED.

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11 Dated: September 18, 2014

/s/ Michael J. Seng
12 UNITED STATES MAGISTRATE JUDGE
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