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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	MICHAEL McGLOTHIN,	CASE NO. 1:14-cv-0844-MJS (PC)
12	Plaintiff,	ORDER DENYING MOTION FOR
13	V.	CLARIFICATION AND CONFIRMATION OF PLAINTIFF'S FILING FEE
14	T. PEREZ, et al.,	SUBMITTED AND PAID IN FULL
15	Defendants.	(ECF No. 16)
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17	Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civi	
18	rights action brought pursuant to 42 U.S.C. § 1983.	
19	On October 20, 2014, Plaintiff filed a motion for refund of his filing fees	
20	contending that he had overpaid the filing fees in this action. (ECF No. 13.) The Cour	
21	denied the motion on November 3, 2014. (ECF No. 15.)	
22	On November 17, 2014, Plaintiff filed a motion for clarification and confirmation	
23	that he had submitted and paid the filing fee in full. (ECF No. 16.) Plaintiff contends that	
24	he authorized a \$400 withdrawal from his prison trust account on May 19, 2014 for	
25	payment of filing fees in this action, and that the funds were withdrawn on June 2, 2014.	
26	However, Plaintiff also submitted a motion to proceed in forma pauperis in this	

action (ECF No. 2), and that motion was granted (ECF No. 4). Funds have been

withdrawn from Plaintiff's account pursuant to the order granting leave to proceed in

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forma pauperis. Thus, Plaintiff claims to have paid in excess of \$400 in filing fees in this action.

Plaintiff asks for (1) verification that the filing fee was paid; (2) a ruling that he is not qualified to proceed in forma pauperis because he has paid the \$400 filing fee; and (3) a declaration that withdrawal of funds pursuant to the Court's order granting leave to proceed in forma pauperis was improper.

The Court did not receive Plaintiff's \$400 payment. Accordingly, the Court cannot grant Plaintiff the relief he seeks. Plaintiff filed a motion to proceed in forma pauperis, the motion was granted, and the subsequent withdrawals from Plaintiff's prison trust account were and are authorized by 28 U.S.C. § 1915(b). Plaintiff must continue to make such payments until the filing fee is paid in full.

Additionally, the Clerk of Court has advised the Court that the prison trust account office placed a stop payment on the \$400 withdrawal from Plaintiff's account, and that those funds were refunded to Plaintiff's account on December 3, 2014. Plaintiff is advised to direct any further inquiries regarding this refund to the appropriate officials at his institution.

Based on the foregoing, Plaintiff's motion for clarification and confirmation of payment is HEREBY DENIED.

IT IS SO ORDERED.

Dated: <u>December 17, 2014</u> <u>Isl Michael J. Seng</u> UNITED STATES MAGISTRATE JUDGE