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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 GERRY WILLIAMS,

12 Plaintiff,

13 vs.

14 MARTIN T. BITER, et al.,

15 Defendants.
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1:14-cv-02076-AWI-GSA-PC

ORDER FINDING THAT PLAINTIFF
HAS PAID THE FILING FEE IN FULL
FOR THIS ACTION

ORDER VACATING FINDINGS AND
RECOMMENDATIONS OF
FEBRUARY 26, 2015
(Doc. 8; also resolves Doc. 10.)

ORDER FOR CLERK TO REFLECT
ON THE COURT'S DOCKET
PLAINTIFF'S \$50.00 PAYMENT
RECEIVED ON FEBRUARY 13, 2015

22 Gerry Williams ("Plaintiff") is a state prisoner proceeding pro se in this civil rights
23 action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on
24 December 29, 2014, together with an application to proceed in forma pauperis. (Docs. 1, 2.)

25 On January 9, 2015, the court issued an order denying Plaintiff's application to proceed
26 in forma pauperis and requiring Plaintiff to pay the \$400.00 filing fees for this action within
27 thirty days. (Doc. 5.) On January 14, 2015, Plaintiff submitted a \$350.00 payment to the court.
28 (Court Record.)

1 On January 15, 2015, the court issued an order requiring Plaintiff to pay the \$50.00
2 balance owed for payment of the filing fee, within thirty days. (Doc. 6.) The thirty-day
3 deadline expired, and the court's docket showed no record that Plaintiff had paid the \$50.00
4 balance owed. On February 26, 2015, the court issued findings and recommendations to
5 dismiss this case for Plaintiff's failure to comply with the court's order. (Doc. 8.) On March
6 25, 2015, Plaintiff filed objections to the findings and recommendations. (Doc. 9.)

7 Plaintiff asserts that on or about February 6, 2015, he submitted a withdrawal order to
8 the inmate trust account office, and the \$50.00 balance for the court filing fee was withdrawn
9 from his account on or about February 8, 2015, and mailed to the court on February 10, 2015.
10 Plaintiff submits a copy of his prison trust account statement showing that on January 29, 2015
11 at Kern Valley State Prison, \$50.00 was withdrawn, for this case, from his account, pursuant to
12 an inmate voluntary withdrawal.¹ (Doc. 10 at 3.)

13 Based on this information, the court sought and found evidence in the court's financial
14 records that a \$50.00 payment was received by the court on February 13, 2015, for this case,
15 from Plaintiff Gerry Williams, receipt number CAE100028366. (Court Financial Records.) It
16 is now clear that Plaintiff made the \$50.00 payment and completed payment of the filing fee in
17 full for this case. Therefore, the court shall vacate its findings and recommendations and allow
18 this case to proceed.

19 Accordingly, IT IS HEREBY ORDERED that:

- 20 1. Plaintiff has paid the \$400.00 filing fee in full for this action;
- 21 2. The court's findings and recommendations, issued on February 26, 2015, are
22 VACATED;

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26 ¹ The court takes judicial notice of this prison record . The court may take judicial notice of
27 court records and administrative records. Valerio v. Boise Cascade Corp., 80 F.R.D. 626, 635 n.1 (N.D. Cal.
28 1978), aff'd, 645 F.2d 699 (9th Cir.), cert. denied, 454 U.S. 1126 (1981); Fed. R. Evid. 201 (a court may take
judicial notice of facts that are capable of accurate determination by sources whose accuracy cannot reasonably be
questioned).

- 1 3. The Clerk of Court is directed to reflect on the court's docket Plaintiff's \$50.00
2 payment received on February 13, 2015, receipt number CAE100028366; and
3 4. Plaintiff's Complaint shall be screened in due time.

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5 IT IS SO ORDERED.

6 Dated: March 31, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE