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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MANUEL ANTONIO GONZALEZ, III,
Plaintiff,
v.
J. RAZO, et al.,
Defendants.

Case No. 1:15-cv-00680 DLB PC
Case No. 1:15-cv-01098 LJO SKO PC

**ORDER DIRECTING CLERK OF COURT TO
APPLY THE \$400.00 PAYMENT MADE IN
THIS CASE TO THE FILING FEE IN CASE
NO. 1:15-cv-01098-LJO-SKO-PC**

Plaintiff Manuel Antonio Gonzalez, III, # T-42888, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 4, 2015, along with a motion for leave to proceed in forma pauperis. On May 15, 2015, Plaintiff consented to the jurisdiction of the Magistrate Judge pursuant to 28 U.S.C. § 636(c).

On May 28, 2015, the Court determined that Plaintiff is subject to 28 U.S.C. § 1915(g), having brought an action on three or more occasions that was dismissed on grounds of being frivolous, malicious, or failing to state a claim upon which relief may be granted. The Court issued an order denying Plaintiff's motion for leave to proceed in forma pauperis, and dismissed the action without prejudice to refile accompanied by the \$400.00 filing fee. Judgment was entered that same date.

On July 6, 2016, after the case had been terminated Plaintiff submitted \$400.00 for payment of the filing fee. Plaintiff was informed that the case was dismissed and closed on May 28, 2015,

1 and that the dismissal was without prejudice to refiling a new case with payment of the filing fee.
2 Accordingly, the Clerk of Court was directed to return Plaintiff's payment of \$400.00.

3 On August 10, 2015, the Clerk of Court received a letter from Plaintiff concerning the
4 \$400.00 filing fee. Plaintiff states he wishes to send the \$400.00 filing fee in this case, once it is
5 returned to him, back to the Court for payment of the filing fee in Case No. 1:15-cv-01098 LJO SKO
6 PC. At present, the filing fee has not yet been returned to Plaintiff. In order to avoid mailing the
7 filing fee to Plaintiff only for Plaintiff to have to return the filing fee to the Court, the Court will
8 direct that the \$400.00 payment made in the instant case, Case No. 15-cv-00680 DLB PC, be applied
9 to the filing fee in Case No. 1:15-cv-01098 LJO SKO PC.

10 **ORDER**

11 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court is DIRECTED to apply the
12 payment of \$400.00 toward the filing fee in Case No. 1:15-cv-01098 LJO SKO PC.

13
14 IT IS SO ORDERED.

15 Dated: August 18, 2015

16 /s/ Dennis L. Beck
17 UNITED STATES MAGISTRATE JUDGE