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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SALVADOR CERVANTES

Plaintiff,

v.

B. LINDSEY, et al.,

Defendants.

CASE NO. 1:16-cv-00456-MJS (PC)

**ORDER DENYING MOTION
CONCERNING FILING FEE**

(ECF No. 10)

**ORDER DIRECTING CLERK OF
COURT TO FORWARD COPY OF
PLAINTIFF'S PAYMENT HISTORY TO
PLAINTIFF**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On July 22, 2016, Plaintiff's complaint was dismissed, at Plaintiff's request, as duplicative of the action in Case No. 1:16-cv-00343-BAM. (ECF No. 7.) CDCR was directed not to collect payments toward Plaintiff's filing fee for this action. (Id.)

On August 19, 2016, Plaintiff requested a refund of \$50.00 he claimed had already been collected by the CDCR in relation to this action. (ECF No. 8.) On August 26, 2016, the Magistrate Judge then-assigned to the case granted Plaintiff's request and ordered

1 the Clerk of the Court to return funds paid toward his filing fee. (ECF No. 9.) On October
2 24, 2016, Plaintiff filed a notice indicating that he had not yet received the \$50.00 refund.
3 (ECF No. 10.)

4 According to Plaintiff's payment history in this case no money was ever forwarded
5 to the Court by CDCR. Thus, to the extent Plaintiff seeks refund from the Court, his
6 motion is denied. The Clerk of Court is directed to forward a copy of Plaintiff's payment
7 history to Plaintiff.

8 If Plaintiff has some reason to believe that \$50.00 was in fact collected by CDCR
9 but not refunded or otherwise accounted for, he shall, **within 30 days** of the date of this
10 Order, provide the Court with whatever evidence he has to support that belief.

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12 IT IS SO ORDERED.

13 Dated: June 15, 2017

14 /s/ Michael J. Seng
15 UNITED STATES MAGISTRATE JUDGE
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