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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DALLAS J. MYERS,
Plaintiff,

v.

L. PULIDO, et al.,
Defendants.

Case No. 1:16-cv-00638-SAB-PC

ORDER DENYING PLAINTIFF’S MOTION
TO WAIVE PLRA FILING FEES

(ECF No. 17)

Plaintiff Dallas J. Meyers is a state prisoner proceeding pro se and in forma pauperis pursuant to 42 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c). (ECF No. 6.)

Currently before the Court is Plaintiff’s motion asking if his PLRA fees can be “taken off” or if he can have a fee waiver, contending that he cannot pay the fees. (ECF No. 17.)

Earlier in this case, on May 11, 2016, the Court granted Plaintiff’s motion to proceed in forma pauperis. (ECF No. 4.) It was explained to Plaintiff at that time, that he is obligated to pay the statutory filing fee of \$350.00 for this action, in monthly payments of twenty percent of the proceedings month’s income credited to his trust account. (Id. at 1.) The California Department of Corrections (“CDC”) was ordered to send to the Clerk of the Court payments from Plaintiff’s account each time the amount in the account exceeds \$10.00, until the statutory filing fee is paid in full. (Id. (citing 28 U.S.C. § 1915(b)(2)).

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The entire \$350.00 filing fee for this action is statutorily required, and must be collected from Plaintiff's institutional account, regardless of the outcome of this action and even if Plaintiff elects to dismiss this action. See, e.g., Vartanpour v. Neven, No. 215-CV-00951-JAD-CWH, 2016 WL 589669, at *1 (D. Nev. Feb. 10, 2016). As a result, Plaintiff's motion to be relieved of the obligation to pay this fee must be denied.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to waive PLRA filing fees, filed on November 10, 2016 (ECF No. 17), is DENIED.

IT IS SO ORDERED.

Dated: November 14, 2016


UNITED STATES MAGISTRATE JUDGE