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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

THERESA MARY RAMIREZ,
Plaintiff,
v.
J. NAZARENO,
Defendant.

Case No. 1:16-cv-01772-DAD-EPG
ORDER DENYING MOTION TO
REQUEST REFUND OF FILING FEE
(ECF No. 10)

On December 28, 2016, Plaintiff Theresa Mary Ramirez filed a notice of dismissal dismissing her case without prejudice. (ECF No. 8.) That notice dismissed the case and the Court ordered that the case be closed thereafter. (ECF No. 9.) Plaintiff has now filed a request for a refund of her filing fee and asked the Court to send her a form complaint for a state medical malpractice suit. (ECF No. 10.) “[V]oluntary dismissal of an action, whether filed by a prisoner or not, does not entitle the litigant to a refund of filing fees.” *Grindling v. Martone*, Case No. 12-00361 LEK/BMK, 2012 WL 4502954, at *2 (D. Haw. Sept. 28, 2012) (collecting cases from the Second, Third, Fifth, Seventh, and Ninth Circuits and determining that 28 U.S.C. § 1915 “does not provide any authority or mechanism for the court . . . to return the filing fee after dismissal of an action”). Plaintiff’s motion is thus DENIED.

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Plaintiff is further advised that the Court does not possess forms for California state court litigation. If she wishes to pursue further action in state court, Plaintiff should consult her institutional law library for guidance.

IT IS SO ORDERED.

Dated: January 12, 2017

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE