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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 SECOND MOTION TO  
REQUEST REFUND OF FILING FEE**  
(ECF No. 12)

Plaintiff Theresa Mary Ramirez filed a complaint and motion to proceed *in forma pauperis* on November 22, 2016. (ECF Nos. 1, 2.) The Court granted the motion to proceed *in forma pauperis*, but explained that under 28 U.S.C. § 1915(b)(1), Plaintiff was still obligated to pay the filing fee out of her prisoner trust account. Thus, although Plaintiff was permitted to proceed in her case without paying the filing fee at the beginning of the case, the California Department of Corrections and Rehabilitation was directed to collect regular payments from her trust account to pay the filing fee. Because the Court granted Plaintiff *in forma pauperis* status, the Court proceeded to screen the complaint. (ECF No. 7.)

On December 28, 2016, Plaintiff filed a notice of dismissal dismissing her case without prejudice. (ECF No. 8.) Plaintiff then filed a request for a refund of her filing fee on January 11, 2017. (ECF No. 10.) That request was denied. (ECF No. 11.) Plaintiff has now filed a second request for a refund of her filing fee. (ECF No. 12.) As explained in its order denying Plaintiff's

1 first request, “voluntary dismissal of an action, whether filed by a prisoner or not, does not entitle  
2 the litigant to a refund of filing fees.” *Grindling v. Martone*, Case No. 12-00361 LEK/BMK, 2012  
3 WL 4502954, at \*2 (D. Haw. Sept. 28, 2012) (collecting cases from the Second, Third, Fifth,  
4 Seventh, and Ninth Circuits and determining that 28 U.S.C. § 1915 “does not provide any  
5 authority or mechanism for the court . . . to return the filing fee after dismissal of an action”).  
6 Even if Plaintiff was granted *in forma pauperis* status, she is still required to pay the filing fee—  
7 *in forma pauperis* status simply allows Plaintiff to pay the filing fee over time via her trust  
8 account, rather than with a payment at the time of filing. Dismissal of Plaintiff’s case does not  
9 change this fact. Plaintiff’s motion is thus DENIED.

10 IT IS SO ORDERED.

11  
12 Dated: April 6, 2017

13 /s/ Eric P. Gray  
14 UNITED STATES MAGISTRATE JUDGE