1 2 3 4 5 UNITED STATES DISTRICT COURT 6 7 EASTERN DISTRICT OF CALIFORNIA 8 9 MICHAEL JACOBSEN. Case No. 1:18-cy-00199-BAM (PC) 10 Plaintiff, ORDER REGARDING FEE REIMBURSEMENT INQUIRY 11 v. (ECF No. 18) 12 DIAZ, et al., 13 Defendants. 14 15 Plaintiff Michael Jacobsen ("Plaintiff") is a county detainee proceeding pro se and in 16 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. 17 Currently before the Court is Plaintiff's inquiry regarding reimbursement of his filing fee, filed June 11, 2018. (ECF No. 18.) Plaintiff states that if he can be reimbursed the \$80.00 that 18 19 has been withdrawn from his trust account towards the filing fee in this action, he would like to 20 dismiss this action. (Id.) 21 Plaintiff was granted leave to proceed in forma pauperis in this action on February 12, 22 2018. (ECF No. 4.) Now that he has been granted leave to proceed in forma pauperis in this action, Plaintiff is required to pay the \$350.00 filing fee in installments withdrawn from his 23 24 prisoner trust account, as required by Title 28 U.S.C. § 1915(b)(1), which states: 25 [I]f a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall 26 assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of— 27 (A) the average monthly deposits to the prisoner's account; or 28

(B) the average monthly balance in the prisoner's account for the 6-monthly period immediately proceeding the filing of the complaint or notice of appeal. Title 28 U.S.C. § 1915 does not provide any authority or mechanism for the Court to reduce or waive the payment of Plaintiff's filing fee, even if Plaintiff decides to voluntarily dismiss this action. The entire \$350.00 filing fee is statutorily required, and must be collected from Plaintiff's institutional account regardless of the outcome of this action. See, e.g., Myers v. Pulido, No. 1:16-cv-00638-SAB-PC, 2016 WL 6723937, at *1 (E.D. Cal. Nov. 14, 2016). IT IS SO ORDERED. /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE Dated: **June 19, 2018**