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

MARK DANIEL BLAKESLEY,	)	Case No.: 1:18-cv-00682-AWI-SAB (PC)
Plaintiff,	)	
v.	)	ORDER DENYING PLAINTIFF’S REQUEST TO STOP DEDUCTION OF THE FILING FEE FROM HIS PRISONER TRUST ACCOUNT
EDMUND G. BROWN, JR.,	)	
Defendants.	)	[ECF No. 11]
	)	
	)	

On July 9, 2018, the instant civil rights action filed pursuant to 42 U.S.C. § 1983, was dismissed, and judgment was entered. (ECF Nos. 9, 10.)

On November 9, 2018, Plaintiff filed a motion requesting to stop the deduction of the filing fee from his prisoner trust account. Plaintiff’s request must be denied.

Plaintiff filed the instant action on May 18, 2018, along with a request to proceed in forma pauperis. (ECF Nos. 1, 2.)

A filing fee is owned upon initiation of an action. The obligation to pay the filing fee is not predicated upon the guarantee of some particular outcome and does not cease upon the termination of an action. Plaintiff filed this action thereby triggering the obligation to pay a filing fee. As stated in the Court’s May 21, 2018, order granting Plaintiff’s application to proceed in forma pauperis, “Plaintiff is obligated to make monthly payments in the amount of twenty percent of the proceeding month’s income credited to plaintiff’s trust account. The California Department of Corrections is

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required 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 pay in full. 28 U.S.C. § 1915(b)(2)." (ECF No. 5, at 1:20-23.) Contrary to Plaintiff's contention, the deduction of funds for payment of the filing fees only occurs when there is an excess of \$10.00 in his trust account. Accordingly, Plaintiff's request to stop the deduction of the filing fees from his prisoner trust account is denied.

IT IS SO ORDERED.

Dated: November 13, 2018

  
UNITED STATES MAGISTRATE JUDGE