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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TREMAINE CARROLL,¹
Plaintiff,
v.
STATE OF CALIFORNIA, et al.,
Defendants.

No. 1:23-cv-00974 KES GSA (PC)
ORDER DENYING PLAINTIFF’S MOTION
TO RESCIND IN FORMA PAUPERIS
ORDER
(ECF No. 20 at 1)

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff has filed a motion which seemingly requests in relevant part that the filing fees that are being debited from her prison trust fund account due to the Court’s grant of her in forma pauperis application be stopped. ECF No. 20. For the reasons stated below, the motion will be denied.

I. MOTION TO STOP WITHDRAWAL OF FILING FEES²

¹ Plaintiff has identified as a transwoman in this matter. See ECF No. 20 at 1. Therefore, the Court will use her preferred pronouns in this order.

² In the motion, Plaintiff also states she has learned that The Justice Firm has sold her case to “larger law firms.” ECF No. 20 at 1. As a result, she also requests that an unpublished book of hers and other documents that The Justice Firm has of hers be returned to her. ECF No. 20 at 1.

Plaintiff is advised that because her book and other documents are not related to this

1 In Plaintiff's motion, she states that she paid the \$402.00 filing fee needed to commence
2 this case to an individual at The Justice Firm. ECF No. 20 at 1. The Justice Firm is the firm on
3 record that is handling Plaintiff's case and that of several other prisoner-plaintiffs in this action.
4 See generally ECF No. 2 at 1 (case caption of complaint identifying Attorney J. Virgilio of The
5 Justice Firm as counsel for Plaintiff). As a result, she appears to be requesting that the Court stop
6 debiting her prison trust fund account for the filing fee. ECF No. 20 at 1.

7 II. DISCUSSION

8 Plaintiff's motion will be denied. Plaintiff filed a signed application to receive in forma
9 pauperis status (ECF Nos. 6, 12), and the application was granted (ECF No. 14). In the
10 November 2023 order granting Plaintiff in forma pauperis status, it clearly states that monies will
11 be debited from her prison trust fund account over time until the filing fee is paid in full. Id. at 1.

12 Inmates who have been granted in forma pauperis status and are proceeding with in forma
13 pauperis status are required to have debits taken from their trust account to pay the filing fee.
14 Therefore, the debits to Plaintiff's prison trust account for the \$350.00 filing fee³ will continue.

15 However, should The Justice Firm pay the \$402.00 filing fee the Court will be able to
16 vacate the order granting Plaintiff in forma pauperis status and the debits from her prison trust
17 fund account will cease. Unless and until that happens, the current order requiring that Plaintiff's
18 trust fund account be regularly debited for the \$350.00 amount, will stand.

19 _____
20 matter, the Court will not order that her documents be returned to her. Plaintiff will need to
21 address that matter outside of this case.

22 In the motion, Plaintiff also asks that a temporary restraining order issue because in April
23 2024, she was sexually assaulted twice by Kern Valley State Prison Staff at gunpoint. ECF No.
24 20 at 1, 175. Plaintiff, however, has not provided sufficient information to consider her request
25 (e.g., the names of the individuals who assaulted her, the circumstances surrounding the assaults,
26 etc.).

27 In order for the Court to consider such a request, Plaintiff will first need to provide more
28 information to the Court in a separate motion. The motion should be a short one that states
clearly and concisely the facts alleged, not a motion like the instant 175-page one that is currently
before this Court. See generally Fed. R. Civ. P. 8(d)(1) (requiring pleadings be "simple, concise
and direct"); Fed. R. Civ. P. 7 (b)(1)-(2) (stating basic guidelines for motions and other papers
filed with Court).

³ The filing fee for an individual who is proceeding in forma pauperis is limited to \$350.00.
Individuals proceeding in forma pauperis are not required to pay the additional \$52.00
administrative fee. See 28 U.S.C. § 1914 (District Court Miscellaneous Fee Schedule, Item 14).

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Accordingly, IT IS HEREBY ORDERED that Plaintiff's request that the order which granted her in forma pauperis status be rescinded (ECF No. 20) is DENIED.

IT IS SO ORDERED.

Dated: June 5, 2024

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE