

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIKA ALFARO,

Plaintiff,

No. 2:10-cv-00891 JAM KJN

VS.

BANK OF AMERICA

Defendant.

ORDER

Plaintiff is proceeding without counsel. In an order issued on April 20, 2010, this court denied plaintiff's application for in forma pauperis status because plaintiff did not meet the indigency requirements of 28 U.S.C. § 1915(a). (Dkt. No. 3.) Hence, plaintiff was obligated to pay the \$350 filing fee to commence a civil action in federal district court. 28 U.S.C. § 1914(a). The court provided plaintiff with twenty days from the date of that order to pay the filing fee. (Dkt. No. 3.) If plaintiff did not pay the filing fee, she was advised that the undersigned would recommend dismissal of her action. (Id.)

Plaintiff paid her \$350 filing fee on May 5, 2010 via a check. (Court Receipt No. CAE200025974.) However, the undersigned learned on June 3, 2010, that plaintiff's check was returned to the court unpaid by plaintiff's financial institution.

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As the Clerk of Court advised plaintiff via a letter dated June 3, 2010, a copy of which is attached hereto, you are now also responsible for an additional fee of \$45 for a check paid into the court which was returned for lack of funds. 28 U.S.C. § 1914. That June 3 letter also advised you that you must remit \$395.00 payable to the Clerk, U.S. District Court, by June 14, 2010, and that the amount tendered must be in cash, cashier's check or money order.

Accordingly, IT IS HEREBY ORDERED that, by June 14, 2010, plaintiff must remit \$395 in accordance with the terms of the Clerk of Court's June 3, 2010 letter or the undersigned will recommend that the instant action be dismissed without prejudice.

DATED: June 3, 2010

KENDALL J. NEWMAN
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
Eastern District of California

Victoria C. Minor
Clerk

Office of the Clerk
501 "I" Street, Suite 4-200
Sacramento, California 95814-7300
Phone: 916-930-4000
Fax: 916-930-4015
Website: www.caed.uscourts.gov

Divisional Office:
2500 Tulare Street, Room 1501
Fresno, California 93721

Marianne Matherly
Chief Deputy Clerk

June 3, 2010

Mika C Alfaro
PO Box 1862
Elk Grove, CA 95759

RE: 210cv891 Alfaro v Bank of America
Check Returned-Bank Unable to Locate Account - FIRST NOTICE

Dear Ms Alfaro:

On May 5, 2010, our office received check # 397 in the amount of \$350.00, for payment of a civil filing fee. Enclosed is a copy of the check returned to the court by the bank.

Pursuant to 28 U.S.C. § 1914, you are required to pay a returned check fee of \$45.00. Please remit \$395.00 payable to the Clerk, U.S. District Court, by June 14, 2010 to avoid further legal action. The amount tendered must be in **cash or by cashier's check or money order**, payable to the U.S. District Court, at the following address:

U.S. DISTRICT COURT
ATTENTION: FINANCE DEPARTMENT
501 I STREET, SUITE #4-200
SACRAMENTO, CA 95814

It is the policy of this office that all further payments to the court must be in the form of cash, money order or cashier's check unless (1) you can show that the error was the fault of the bank, and (2) provide a written statement from the bank acknowledging the error.

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We appreciate your immediate attention to this matter. If you have any questions or wish to discuss this matter with a member of my financial staff, please call the financial office at 916-930-4027.

Sincerely,

Victoria C. Minor
Clerk of Court

Enc.

cc: Chambers
Financial File