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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK LEE DEARWESTER,
Plaintiff,
v.
SACRAMENTO COUNTY SHERIFF’S
DEPARTMENT,
Defendant.

No. 2:13-cv-2066 MCE DB P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action that was closed on November 23, 2016. (ECF No. 57.) Presently before the court is plaintiff’s motion requesting “disposition of fines.” (ECF No. 70.) The court notes that this is the second such motion plaintiff has brought in the past year. (See ECF No. 67.) For the reasons set forth below, the court will deny the motion.

Plaintiff’s motion requests that “the court imposed fines be converted into days of imprisonment, and run concurrent with [his] confinement in the California Department of Corrections and Rehabilitation . . . pursuant to [California] Penal Code § 1205(a).” Under 28 U.S.C. § 1915(b), “if 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.” 28 U.S.C. § 1915(b)(1) (emphasis added). While § 1915 allows a litigant to commence a civil action without prepaying the fees, the litigant is still responsible for paying the full amount of the filing fee. The court

1 assesses an initial partial filing fee and collects subsequent payment on an incremental basis
2 “until the filing fees are paid in full.” 28 U.S.C. § 1915(b)(1), (2).

3 Plaintiff is advised that the filing fee assessed for a civil rights action he voluntarily filed
4 in this court is not analogous to the fine described in the California penal code described in his
5 motion. Accordingly, the court will deny the motion seeking relief from payment of the filing
6 fee.

7 For the foregoing reasons, IT IS HEREBY ORDERED that plaintiff’s motion for
8 disposition of fines (ECF No. 70) is denied. Plaintiff is advised that any further documents filed
9 in this action will be disregarded and no orders will issue in response to any future filings.

10 Dated: April 22, 2021

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14 DEBORAH BARNES
15 UNITED STATES MAGISTRATE JUDGE
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19 DLB:12
20 DLB1/prisoner-civil rights/dear2064.fee(2)
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