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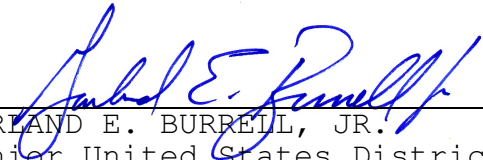
IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

D.F., a minor, by and through	)	
her parent,	)	2:13-mc-00030-GEB-KJN
	)	
Plaintiff,	)	
	)	<u>ORDER STRIKING MOTION</u>
v.	)	
	)	
SACRAMENTO CITY UNIFIED SCHOOL	)	
DISTRICT,	)	
	)	
Defendant.	)	
_____	)	

Pending is Plaintiff's motion for attorneys' fees; however, this motion is stricken since a civil action has not been appropriately commenced because Plaintiff neither filed a complaint nor paid the statutory filing fee for civil actions. "A civil action is commenced by filing a complaint with the court." Fed. R. Civ. P. 3. "This rule governs the commencement of all actions" and mandates that "the first step in an action is the filing of the complaint." Fed. R. Civ. P. 3 advisory committee's note. Further, "parties instituting any civil action" must pay the applicable filing fee. 28 U.S.C. § 1914(a); see, e.g., J.A.A.H. v. Modesto City Sch., No. 1-08-cv-01465-LJO-DLB, 2009 WL 55951, at \*1 (E.D. Cal. Jan. 6, 2009) (commencing attorneys' fees action under the Individuals with Disabilities Education Act through the filing of a complaint and the payment of the full statutory filing fee for civil actions).

1           Therefore, Plaintiff's motion for attorneys' fees (ECF No. 1)  
2 is stricken, and the Clerk of the Court is directed to close this  
3 miscellaneous matter.

4 Dated: May 14, 2013

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8 GARLAND E. BURRELL, JR.  
9 Senior United States District Judge  
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