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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASON ACOSTA,

Plaintiff,

v.

APEX INVESTIGATIVE SERVICES,
INC., a California
Corporation; APEX
INVESTIGATION SERVICES, INC.,
a California Corporation; and
DOES 1 to 100, inclusive,

Defendants.

No. 2:14-cv-00399-GEB-EFB

ORDER

Plaintiff applies for an order "waiv[ing] and reimburs[ing] Plaintiff the court costs of \$400.00 involved in filing Plaintiff's Complaint . . . and waiv[ing] any related court fees and costs in the future . . . [under] the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)" (Pl.'s Appl. 1:20-25, ECF No. 5.)

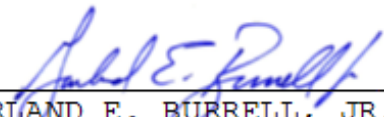
"Congress enacted USERRA in order to 'prohibit discrimination against persons because of their service in the uniformed services.'" Davis v. Advocate Health Ctr. Patient Care Exp., 523 F.3d 681, 683 (7th Cir. 2008) (quoting Bowlds v. Gen. Motors Mfg. Div. of the Gen. Motors Corp., 411 F.3d 808, 810 (7th Cir. 2005)). "As part of the legislation's broad remedial scheme, USERRA provides that '[n]o fees or court costs may be charged or taxed against any person claiming rights under this chapter.'" "

1 Id. at 684 (quoting 38 U.S.C. § 4323(h)(1)). "In light of the
2 plain language of 38 U.S.C. § 4323(h)(1) and Congress's intent,
3 in USERRA and elsewhere, to lessen the costs of litigation for
4 veterans, . . . 38 U.S.C. § 4323(h)(1) permits a USERRA litigant
5 to initiate suit without prepaying the filing fee." Id. at 685.

6 "Because [Plaintiff] has already paid his filing fee to
7 proceed in this court, [I] ORDER the clerk of this court to
8 refund [Plaintiff's \$400.00] filing fee." Id.; see also Fincher
9 v. Ga. Pac., LLC, No. 1:08-CV-3839-JOF, 2009 WL 1075269, at *1
10 (N.D. Ga. Apr. 21, 2009) (granting the plaintiff's motion for
11 refund of filing fee under USERRA). However, Plaintiff's request
12 that "any related court fees and costs in the future" be waived
13 is denied as ambiguous and premature for decision.

14 Dated: March 17, 2014

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GARIAND E. BURRELL, JR.
Senior United States District Judge