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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY RAY BAKER,
Plaintiff,
v.
J. MACOMBER, et al.,
Defendants.

No. 2:15-cv-0248 TLN AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, was granted leave to proceed in forma pauperis in this case. ECF No. 10. On February 3, 2022, the parties filed a stipulation for voluntary dismissal and the case was closed. ECF Nos. 179, 180. Plaintiff has now filed a motion requesting that the court to reimburse \$681.00 of settlement funds that were withdrawn from his prison trust account to pay his filing fees in this case and another case in this court. ECF No. 181.

As the court explained in granting plaintiff’s motion to proceed in forma pauperis, he was still required to pay the statutory filing fee of \$350.00. ECF No. 10 at 1. Under 28 U.S.C. § 1915(b)(2), plaintiff was “required to make monthly payments of 20 percent of the preceding month’s income credited to the [his] account . . . each time the amount in the account exceeds \$10 until the filing fees are paid.” Plaintiff was required to pay the entire filing fee regardless of the

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1 disposition of this case. In other words, plaintiff was still required to pay the filing fee even
2 though this case was voluntarily dismissed.

3 The motion for reimbursement and attached trust account statement reflect that in January
4 2023, plaintiff received \$5,000.00 in income in the form of a settlement check. ECF No. 181 at 1,
5 5. Twenty percent of \$5,000.00 is \$1,000.00, so the California Department of Corrections and
6 Rehabilitation (CDCR) was authorized to send the court the remaining balance of any filing fees
7 in this case up to \$1,000.00. See ECF No. 11 (authorizing the CDCR to make withdrawals from
8 plaintiff's trust account). This limit applies per case, not to the cases plaintiff has before the court
9 collectively. Because the filing fee was \$350.00, any remaining balance fell well within the
10 amount permitted to be withdrawn by 28 U.S.C. § 1915. There is no indication that the portion of
11 the \$681.00 attributable to this case resulted in paying more than the \$350.00 filing fee in this
12 matter, and it therefore appears that the funds were properly withdrawn to satisfy plaintiff's
13 outstanding filing fees.

14 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for reimbursement of
15 settlement funds (ECF No. 181) is DENIED.

16 DATE: March 7, 2023

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18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE
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