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

FRANK LEE DEARWESTER,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

No. 2:15-CV-0443-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brought this civil rights action pursuant to 42 U.S.C. § 1983. Final judgment was entered on January 29, 2021, and this case is closed. Pending before the Court is Plaintiff’s motion, ECF No. 24, entitled “Ex Parte Motion for the Disposition of Fines.”

Plaintiff seeks relief from this Court pursuant to California Penal Code § 1205(a). See ECF No. 74. Section 1205(a) permits the state trial court to direct imprisonment for nonpayment of fines. See Cal. Penal Code § 1205(a). According to Plaintiff, the \$350.00 filing fee imposed by this Court upon granting him in forma pauperis status, constitutes a “fine.” ECF No. 74. Plaintiff is mistaken. In any event, this Court does not have jurisdiction to provide relief under § 1205(a).

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Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion, ECF No. 24, is denied.

Dated: August 24, 2021



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE