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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK LEE DEARWESTER,
Plaintiff,
v.
JAN SCULLY, et al.,
Defendants.

No. 2: 15-cv-0457 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion to be relieved from the filing fee. (ECF No. 11.) For the reasons stated herein, this motion is denied.

On April 6, 2015, the undersigned granted plaintiff’s application to proceed in forma pauperis. (ECF No. 4.) The undersigned directed the appropriate agency to collect the initial partial filing fee from plaintiff’s trust account and forward it to the Clerk of the Court. (Id.) Thereafter, plaintiff was obligated to make monthly payments of twenty percent of the preceding month’s income credited to his prison trust account. (Id.) These payments were to be forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff’s account exceeded \$10.00, until the filing fee was paid in full.

On July 7, 2015, this action was dismissed. (ECF Nos. 8, 9.)

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1 In the pending motion, plaintiff alleges that due to the COVID-19 pandemic, plaintiff has
2 been a valuable team member in producing tens of thousands of reusable fabric face masks.
3 Plaintiff alleges that he works full time, seven days per week, for up to ten hours per day.
4 Plaintiff alleges that he earns. \$0.50 per hour.

5 Plaintiff alleges that he has not received adequate amounts of food to cover the increased
6 physical demands of his prison employment. Plaintiff alleges that due to the money he owes in
7 filing fees and restitution, he does not have enough money to purchase supplemental food and
8 coffee. Plaintiff alleges that \$10.00 does not cover the incidentals he needs. Plaintiff requests
9 that the court either waive the remaining balance of the filing fee owed or defer his partial filing
10 fee payments.

11 Plaintiff is required by law to pay the filing fee. 28 U.S.C. § 1914(a), 1915(a)(b)(1). For
12 this reason, despite plaintiff's important work, the undersigned is not authorized to either waive
13 or defer the remaining balance of plaintiff's filing fee.

14 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for relief from the filing
15 fee (ECF No. 11) is denied.

16 Dated: May 13, 2020

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19 KENDALL J. NEWMAN
20 UNITED STATES MAGISTRATE JUDGE

21 Dear457.ord
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