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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY DALE MITCHELL,
Plaintiff,
v.
S. TSENG, et al.,
Defendants.

No. 2:15-cv-1029 GEB AC P

ORDER

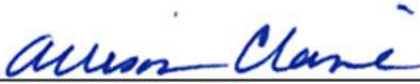
By order filed May 13, 2016, the complaint in this action was dismissed without leave to amend because it failed to state a claim. ECF Nos. 12, 15. Plaintiff has now filed two motions requesting that the court order the California Department of Corrections and Rehabilitation to stop withdrawing money for the filing fee from his trust account. ECF Nos. 17, 18. He asserts that after his health issues worsened, he filed a motion to withdraw the complaint that has never been addressed. Id.

The court never received a motion to withdraw in this case, and while the court is sympathetic to plaintiff's health issues, he chose to initiate this case and the court was required to spend time obtaining his in forma pauperis application and screening the complaint. ECF Nos. 6, 9, 12. Plaintiff fails to specify when the motion was sent so that the court can determine whether, had it been received, it would have been received prior to screening the complaint. Finally, plaintiff is not relieved of his obligation to pay the filing fee simply because he decided he no

1 longer wanted to pursue this action.

2 Accordingly, IT IS HEREBY ORDERED that plaintiff's motions to waive the remainder
3 of the filing fee (ECF Nos. 17, 18) are denied.

4 DATED: September 6, 2017

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6 ALLISON CLAIRE
7 UNITED STATES MAGISTRATE JUDGE
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