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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC ANDERSON,
Plaintiff,
v.
B. MENDOZA, et al.,
Defendants.

No. 2:17-cv-1244 KJM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action pursuant to 42 U.S.C. § 1983. On December 12, 2020, the undersigned recommended that defendants’ motion to dismiss be granted. (ECF No. 22.) Thereafter, the District Judge assigned to this case adopted the recommendations, the case was dismissed, and judgment was entered. (ECF Nos. 26, 27.) Presently before the court is plaintiff’s motion to reimburse overpayment of the filing fee. (ECF No. 36.) Plaintiff’s one-page motions states that the court mistakenly took approximately \$76.00 more than the \$350.00 filing fee. Plaintiff requests that \$76.00 be credited to his trust account.


Plaintiff’s motion to proceed in forma pauperis was granted on January 25, 2018. (ECF No. 7.) Plaintiff was informed that he would be assessed an initial partial filing fee and thereafter monthly payments would be sent to the Clerk of the Court until the filing fee was paid in full. (Id. at 1-2.) Additionally, an order was sent to the California Department of Corrections and

1 Rehabilitation (CDCR) stating that CDCR is required to send the Clerk of the Court an initial
2 partial filing fee and payments from plaintiff's prison trust account each time the amount in the
3 account exceeds \$10.00, until the statutory filing fee of \$350.00 is paid in full. (ECF No. 8.)

4 The court is unable to grant plaintiff's motion without documentation showing the alleged
5 overpayment. Therefore, the court will deny the motion at this time. However, plaintiff may
6 refile the motion along with copies of his prison trust account statements showing that he has paid
7 the entire filing fee as well as the extra \$76.00.

8 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to reimburse (ECF No.
9 36) is denied without prejudice.

10 Dated: November 12, 2019

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13 DEBORAH BARNES
14 UNITED STATES MAGISTRATE JUDGE

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19 DB:12
20 DB:1/Orders.Prisoner.Civil.Rights/and1244.fee

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