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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.) Plaintiff filed a notice of appeal on March 7, 2019. (ECF No. 28.) Presently before the court is plaintiff’s second motion to reimburse overpayment of the filing fee. (ECF No. 39.)

On October 23, 2019 plaintiff filed a one-page motion requesting that \$76.00 be credited to his trust account because he had already paid the filing fee in full. (ECF No. 36.) The court denied the motion without prejudice because plaintiff had not provided any documentation showing that he had paid the filing fee in full and that additional funds were taken from his prison trust account. (ECF No. 38.)

1 Plaintiff has now refiled the motion along with a copy of his prison trust account
2 statement covering March 2018 through August 2019. (ECF No. 39.) Plaintiff states that in April
3 2019 his mother personally paid the remaining balance of the filing fee, but the prison trust office
4 has continued to collect funds from his prison trust account. He now states that \$66.97 of
5 overpayment have been sent to the court and requests that amount be returned to his account.
6 Court records indicate that the filing fee for the present action has been paid in full, but that
7 plaintiff still owes approximately \$400.00 for the appeal filed in this action. Because it appears
8 that the complained of withdrawals are unrelated to the filing fee for this action, the court will
9 deny the motion for reimbursement of the filing fee.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff's motion to reimburse (ECF No. 39) is denied; and
- 12 2. The Clerk of the Court is directed to send plaintiff a copy of the Case Inquiry Report
13 associated with this action.

14 Dated: December 4, 2019

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17 DEBORAH BARNES
18 UNITED STATES MAGISTRATE JUDGE

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23 DB:12
24 DB:1/Orders.Prisoner.Civil.Rights/and1244.fee2
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