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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN JAMES RUSSELL,  
Plaintiff,  
v.  
E. ARNOLD, et al.,  
Defendants.

No. 2:17-cv-1918 DB P

ORDER

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 4, 2019, the court screened plaintiff's complaint and granted his request to proceed in forma pauperis. (ECF No. 13). At that time, plaintiff was given the opportunity to do one of the following: (1) file a notice of dismissal, (2) file an amended complaint, or (3) proceed on his complaint as submitted. (See id. at 11).

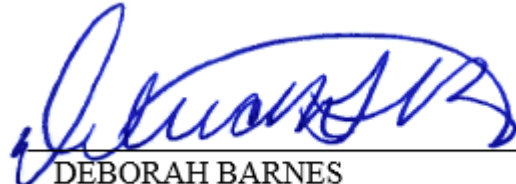
On June 13, 2019, plaintiff filed a notice of voluntary dismissal. (ECF No. 16). In it, plaintiff asks the court to relieve him of payment of the \$350.00 filing fee. (Id. at 2).

The court shall deny plaintiff's request that the filing fee in this matter be waived. 28 U.S.C. § 1915, which governs in forma pauperis proceedings, does not provide any authority or mechanism for the court to excuse plaintiff from having to pay the filing fee or to return any

1 portion of it after the action has been dismissed for any reason. See generally 28 U.S.C. § 1915;  
2 see also Soares v. Paramo, No. 3:13-cv-2971 BTM RBB, 2018 WL 5962728, at \*2 (S.D. Cal.  
3 Nov. 14, 2018) (citations omitted).

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for a waiver of the filing  
5 fee made within his notice of dismissal filed June 13, 2019 (see ECF No. 16 at 2), is DENIED.

6 Dated: June 17, 2019

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9 DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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