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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CIRON B. SPRINGFIELD,
Plaintiff,
v.
C. FIBER, et al.,
Defendants.

No. 2:18-CV-1063-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brought this civil rights action under 42 U.S.C. § 1983. The matter was closed on February 27, 2021, upon the parties’ stipulation for dismissal following settlement. See ECF Nos. 39 (minutes of settlement conference), 40 (stipulation for dismissal), and 41 (Clerk’s notice). Pending before the Court in this closed case is Plaintiff’s motion, ECF No. 43, for a “rebate” of the filing fees for a prior appeal filed in this action.

On March 11, 2019, this matter was dismissed, without prejudice, for lack of prosecution following Plaintiff’s failure to submit documents necessary for service of the complaint. See ECF Nos. 16 (District Judge order) and 17 (judgment). Plaintiff timely appealed. See ECF No. 18. On August 19, 2019, the appellate court remanded the matter for the limited purpose of allowing this Court to consider Plaintiff’s motion for reconsideration, which had been filed after the appeal was processed. See ECF No. 25. On August 21, 2019, the District Judge

1 issued an order granting Plaintiff's motion for reconsideration and reopening this case. See ECF
2 No. 26. On November 22, 2019, the appellate court dismissed the appeal for lack of jurisdiction
3 because the case was again pending in this Court. See ECF No. 29.

4 While Plaintiff's appeal was pending, the appellate court issued an order indicating
5 that Plaintiff's in forma pauperis status would continue on appeal. See ECF No. 43, pgs. 8-9
6 (Exhibit A to Plaintiff's current motion). The order nonetheless required Plaintiff to submit an
7 authorization for installment payments of the \$505.00 filing fee on appeal pursuant to 28 U.S.C. §
8 1915(b)(1) and (2). See id. According to Plaintiff, he has now paid the total \$505.00 filing fee by
9 way of installment payments. See ECF No. 43, pg. 4. Plaintiff contends he is entitled to a
10 "rebate" of the \$505.00 charged in installments to his prison trust account because this Court
11 granted reconsideration and reopened the case. See id.

12 Plaintiff's motion will be denied because the relevant portion of the in forma
13 pauperis statute cited in the appellate court's order does not permit the relief Plaintiff seeks.
14 Specifically, 28 U.S.C. § 1915(b)(1) mandates "the prisoner shall be required to pay the full
15 amount of a filing fee." The statute does not provide an exception if the appeal is dismissed or
16 the appeal is mooted because the district court grants relief.

17 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion, ECF No. 43, is
18 denied.

19
20 Dated: May 28, 2021



21 DENNIS M. COTA
22 UNITED STATES MAGISTRATE JUDGE