

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL LITTLETON,
Plaintiff,
v.
COUNTY OF SACRAMENTO, *et al.*,
Defendants.

Case No. 2:22-cv-0567-TLN-JDP (P)

ORDER

The court closed this action on February 23, 2023, because plaintiff failed to state claim for relief, failed to comply with court orders, and failed to prosecute. ECF No. 19. Now, more than two years later, plaintiff has filed a request to refund his filing fee, ECF No. 22, a new motion to proceed *in forma pauperis*, ECF No. 23, and a motion to appoint counsel, ECF No. 24.¹ For the foregoing reasons, each motion is denied, and plaintiff is cautioned that any future documents filed by him in this case will be disregarded and no orders will issue in response.

Plaintiff filed an identical motion to refund his filing fee in another closed action in this district. *See Littleton v. Montiez*, 2:22-cv-1067-TLN-AC. Judge Claire denied that motion. She explained that because plaintiff applied for and was granted to proceed *in forma pauperis*, he was obligated to pay the \$350.00 filing fee. ECF No. 16 at 3. She further explained that 28 U.S.C.

¹ Plaintiff's motion to proceed *in forma pauperis*, ECF No. 23, is denied as unnecessary. Plaintiff was granted *in forma pauperis* status on October 11, 2022. ECF No. 15.

1 § 1915(b)(2)

2 requires that prisoners who have multiple civil rights lawsuits in
3 which *in forma pauperis* status was granted make simultaneous
4 payments of twenty percent of the prisoner's monthly income for
5 each case he has filed. *Bruce v. Samuels*, 577 U.S. 82, 87 (2016).
6 That the combined amount may add up to more than twenty
7 percent, and at times, leave a prisoner without funds, does not
8 violate the statute, and in fact is consistent with the purpose of the
9 Prison Litigation Reform Act to deter frivolous lawsuits. *Id.* at 88-
10 89.

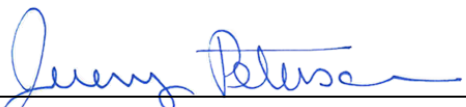
11 *Id.* I find no reason to depart from the approach taken by Judge Claire. Plaintiff's motion to
12 appoint counsel is necessarily denied because this case is closed.

13 Accordingly, it is hereby ORDERED that:

- 14 1. Plaintiff's motion to refund the filing fee, ECF No. 22, is denied.
- 15 2. Plaintiff's motion to proceed *in forma pauperis*, ECF No. 23, is denied as
16 unnecessary.
- 17 3. Plaintiff's motion to appoint counsel, ECF No. 24, is denied as unnecessary.

18 IT IS SO ORDERED.

19 Dated: March 7, 2025

20 
21 _____
22 JEREMY D. PETERSON
23 UNITED STATES MAGISTRATE JUDGE
24
25
26
27
28