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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN R. SCHRUBB,
Plaintiff,
v.
E. MCCUMSEY, et al.,
Defendants.

Case No. [13-cv-05977-VC](#)

**ORDER GRANTING PLAINTIFF'S
MOTION TO WAIVE APPEAL FILING
FEE**

Re: Dkt. No. 24

On June 27, 2014, the Court denied Plaintiff Kevin R. Schrubb's motion to dismiss and to remand. Schrubb appealed this Order. However, on July 10, 2014, the Court granted Schrubb's motion for reconsideration, vacated its judgment and granted his motion to dismiss and remand to Del Norte County Superior Court. On July 30, 2014, the Ninth Circuit granted Schrubb's motion for the voluntary dismissal of his appeal. Now Schrubb files a motion requesting the dismissal or waiver of the filing fee for his appeal. Schrubb states that he filed a motion in the Ninth Circuit requesting that he not be charged a filing fee and, on July 28, 2014, he received the Ninth Circuit's Order granting his motion. However, on August 8, 2014, he received a fee request of \$505.00 from this Court for the appeal filing fee.

The Court grants Schrubb's request to waive the filing fee for his appeal. A copy of this Order shall be sent to the Court's finance department.

This Order terminates docket number 24.

IT IS SO ORDERED.

Dated: August 27, 2014



VINCE CHHABRIA
United States District Judge

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NORTHERN DISTRICT OF CALIFORNIA

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Case No. [13-cv-05977-VC](#)

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 8/27/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kevin R. Schrubb
CA Men's Colony State Prison Cell 6347
P.O. Box 8101
San Luis Obispo, CA 93409-8101

Dated: 8/27/2014

Richard W. Wieking
Clerk, United States District Court

By: 
Kristen Melen, Deputy Clerk to the
Honorable VINCE CHHABRIA