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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CHRISTIAN WELLISCH,
Plaintiff,
v.
PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY, et al.,
Defendants.

Case No. [17-cv-00213-BLF](#)

**ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR
ADMINISTRATIVE RELIEF**

[Re: ECF 18]

Presently before the Court is Plaintiff Christian Wellisch's motion for administrative relief. ECF 18. Through his motion, Wellisch requests the Court (1) waive costs and fees equal in scope to the waiver obtained by Plaintiff in state court; (2) relax the requirements for filing Chambers' Copies under the Standing Order to allow Plaintiff to mail them within a reasonable time; and (3) waive all costs for accessing, printing, and mailing ECF copies required to be mailed to the Court. *Id.* at 2–3. Alternatively, Plaintiff asks the Court to shift the aforementioned costs to Defendants Pennsylvania Higher Education Assistance Agency ("PHEAA") and James L. Preston. *Id.* at 3.

The Court DENIES Plaintiff's first request to waive costs and fees equal in scope to the waiver obtained by Plaintiff in state court. Although the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 *et seq.*, provides a private right of action and an award of costs and attorneys' fees upon proof of violation of the Act by Defendant, 50 U.S.C. § 4042(b), the Court is not aware of a general fee waiver similar to state law. This denial is without prejudice to Plaintiff filing a motion and declaration demonstrating financial need for such a waiver.

The Court GRANTS IN PART Plaintiff's request regarding the filing of Chambers' Copies. Plaintiff must mail all Chambers' Copies within 72 hours of filing any document.

Finally, Plaintiff must make a request for a waiver of PACER fees in a letter addressed to Susan Y. Soong, Clerk of Court at the following address:

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U.S. District Court, Northern District of California
450 Golden Gate Ave., 16th Floor
San Francisco, CA 94102.

The letter should include the case number and the reason for the waiver.

As an alternative to Plaintiff's aforementioned requests, Wellisch asks the Court to shift the any costs—including the costs of his telephonic appearances and printing and mailing Chambers' Copies—to Defendants. Mot. 3. Defendant PHEAA objects to this alternative request and argues that there is no authority that provides for a defendant to pay a plaintiff's fees and costs prior to the resolution of the case. Opp'n, ECF 23. The Court agrees, and therefore DENIES Plaintiff's alternative request to shift costs to Defendants.

IT IS SO ORDERED.

Dated: February 16, 2017


BETH LABSON FREEMAN
United States District Judge