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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 In re KENNETH AARON  
12 HENDERSON

Case No.: 3:17-MC-00100

13 **ORDER DENYING**  
14 **REIMBURSEMENT**  
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16 On January 27, 2017 this Court received a document from Kenneth Aaron  
17 Henderson entitled "Appointment of Public-Minister," a miscellaneous filing not  
18 related to any current civil or criminal case in this district. The document was  
19 notarized on July 8, 2016 in Los Angeles County, California. Mr. Henderson  
20 paid the filing fee of \$47.00 for miscellaneous papers by money order to the  
21 Clerk's office. Mr. Henderson's document was rejected by this Court on March 7,  
22 2017, as the document did not relate to a case in this or any other district court.  
23 (ECF No. 2). On March 23, 2017, Mr. Henderson sent the Court a letter  
24 demanding a refund of his \$47.00. For the reasons stated below, Mr. Henderson  
25 will **NOT** be issued a refund.

26 **I. THERE IS NO "CASE OR CONTROVERSY":**

27 Article III, §2 of the U.S. Constitution limits the jurisdiction of the federal  
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1 courts to “Cases” and “Controversies.” U.S. Const. art. III, §2, cl.1. In the instant  
2 matter, there is no present injury, case or controversy to which the filing relates.  
3 Mr. Henderson has simply submitted his filing to the Clerk to be retained by this  
4 Court. Without any sort of cognizable injury, case or controversy, the Court has  
5 no jurisdiction.

## 6 **II. COURT NOT A PUBLIC FILE REPOSITORY:**

7 The Court’s docket was never meant to be a public file repository. Other  
8 federal courts have held that petitioners must show an adequate basis to open  
9 and maintain a miscellaneous case. *See In re Atchison-Jorgan*, No. 12-MC-  
10 50879, 2014 WL 1516218, at \*1 (E.D. Mich, Apr. 17, 2014); *see also Kerman-*  
11 *Ray of House of Carr v. Martinez*, No. 15-MC-00045-GPG, 2015 WL 1577623, at  
12 \*2 (D. Colo. Apr. 2, 2015). Mr. Henderson is not attempting to commence a civil  
13 action, as he did not file a complaint as required by Federal Rule of Civil  
14 Procedure 3, nor does he suggest that he is seeking any relief from the Court.  
15 See Fed. R. Civ. P. 3. It appears that Mr. Henderson is attempting to give his  
16 filing some sort of legal effect by creating a public miscellaneous file with the  
17 docket of this Court. Mr. Henderson is not entitled to “utilize the court as a  
18 record-keeping system.” *Robinson v. Court Clerks, E. Dist. of California,*  
19 *Sacramento*, No. CIV 11-2679 JAM EFB, 2012 WL 219147, at \*2 (E.D. Cal. Jan.  
20 24, 2012). Since he has not shown an adequate basis to maintain a  
21 miscellaneous case, this Court now rejects the filing.

## 22 **III. NO REFUND OF FILING FEES:**

23 The Administrative Office of the U.S. Courts’ Guide to Judiciary Policy (the  
24 “Guide”) states that filing fee refunds are generally prohibited “even if a party filed  
25 the case in error or the court dismissed the case or proceeding.” Guide to  
26 Judiciary Policy, Vol. 4, Ch. 6, § 650.10, *available at* [http://jnet.ao.dcn/policy-](http://jnet.ao.dcn/policy-guidance/guide-judiciary-policy/volume-4-court-and-case-administration/ch-6-fees)  
27 [guidance/guide-judiciary-policy/volume-4-court-and-case-administration/ch-6-](http://jnet.ao.dcn/policy-guidance/guide-judiciary-policy/volume-4-court-and-case-administration/ch-6-fees)  
28 [fees](http://jnet.ao.dcn/policy-guidance/guide-judiciary-policy/volume-4-court-and-case-administration/ch-6-fees). The only limited refund authority afforded to the courts is in situations

1 where “errors in electronic payments are made,” specifically when erroneous or  
2 duplicate payments are made online. Id. § 650.20(a). Mr. Henderson did not  
3 make his payment electronically.

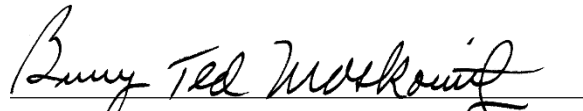
4 The Guide is of persuasive authority as it codifies the policies promulgated  
5 by the Director of the Administrative Office and “approved by the Judicial  
6 Conference of the United States.” *In re Sony BMG Music Entm’t*, 564 F.3d 1, 7  
7 (1st Cir. 2009); *see also Kitzmiller v. Dover Area Sch. Dist.*, 388 F. Supp. 2d 484,  
8 486-87 (M.D. Pa. 2005). It is the “official medium by which direction as to  
9 courtroom procedures and other information are provided to the Federal  
10 Judiciary in support of its day-to-day operations.” *In re Sony*, 564 F.3d at 7  
11 (quoting *Kitzmiller*, 388 F. Supp. at 486-87). The Court sees no reason it should  
12 go against the procedures contained in the Guide in the present matter.  
13 Therefore, Mr. Henderson’s filing fee will not be refunded.

#### 14 **IV. CONCLUSION**

15 For the reasons discussed above, Mr. Henderson will **NOT** be issued a  
16 refund.

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18 **IT IS SO ORDERED.**

19 Dated: July 28, 2017

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21 Barry Ted Moskowitz, Chief Judge  
22 United States District Court  
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