

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

MYRON M. McCRAY,

Plaintiff,

v.

Case No. 4:11cv607-SPM/WCS

ADAM KOMISAR, et al.,

Defendants.

_____ /

ORDER

This cause comes before the Court on a letter from Plaintiff regarding the repayment of filing fees (doc. 17). Plaintiff has requested a refund of the \$360 paid for his filing fee. Pursuant to the Financial Referral and Order (doc. 12) entered on February 15, 2012, there was an overpayment in the amount of \$10 and the magistrate judge has already directed the Clerk to refund those funds to Plaintiff. However, the remaining \$350 is a required filing fee that allowed Plaintiff to file this case and will not be refunded. In response to Plaintiff's request to proceed *in forma pauperis*, the magistrate judge entered an Order (doc. 4) informing Plaintiff of the following:

Under the PLRA, all prisoners will eventually pay the district court's entire \$350 filing fee when bringing a civil action, or filing an appeal, *in forma pauperis*. If a prisoner's account statement shows

that he cannot pay even the required initial partial fee, the civil action may nevertheless proceed; however, the total \$350 fee will be assessed and deducted from future deposits to Plaintiff's prison account until the total filing fee is paid. Fees are not refundable, regardless of dismissal of the action.

Order at 1-2 (emphasis added). Accordingly, it is

ORDERED and ADJUDGED that the request to refund Plaintiff's \$350 filing fee is **denied**.

DONE AND ORDERED this 11th day of April, 2012.

S/ Stephan P. Mickle

Stephan P. Mickle
Senior United States District Judge