

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EL-SAYYID NOSAIR,

Plaintiff,

vs.

FED. BUREAU OF PRISONS, *et al.*,

Defendants.

Case No. 13-cv-1017-MJR-SCW

**ORDER**

**REAGAN, District Judge:**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), *pro se* Plaintiff voluntarily dismissed this *Bivens* action in late January 2014. (*See* Doc. 82). Citing two Supreme Court decisions, Plaintiff seeks the waiver and/or return of his filing fee.<sup>1</sup>

Neither of the cases to which Plaintiff cites has any relevance to this case, in which the court is authorized by federal statute to collect filing fees from the incarcerated Plaintiff. *See Johnson v. Daley*, 339 F.3d 582, 591 (7th Cir. 2003); *Lucien v. DeTella*, 141 F.3d 773 (7th Cir. 1998) (Prison Litigation Reform Act's fee-collection and prepayment system is constitutional). In *Hale v. Henkel*, the Court considered whether an officer of a corporation charged with a criminal violation could refuse to respond to a subpoena directed at the corporation. *Hale*, 201 U.S. 43 (1906). And the *Crandall v. Nevada* court invalidated a state law requiring individuals to pay a one-dollar tax to leave the state. *Crandall*, 73 U.S. 35 (1867).<sup>2</sup>

<sup>1</sup> To date, Plaintiff has paid \$187.30 of the \$350.00 he owes for filing the case.

<sup>2</sup> Plaintiff's invocation of *Hale* and *Crandall* mirrors an Idaho lawsuit in which a Plaintiff relied on those cases in arguing he was a "sovereign citizen." *Rice v. City of Boise City*, No. 1:13-cv-00441-CWD, 2013 WL 6385657, at \*1-2 (D. Idaho Dec. 6, 2013). *But see United States v. Hilgeford*, 7 F.3d 1340, 1342 (7th Cir. 1993) (argument that individual is sovereign citizen of state and not subject to U.S. jurisdiction or taxing authority was "shop worn" and frivolous).

Plaintiff's argument has no merit. As the Seventh Circuit has reasoned, "[l]itigation is not a free good, and its costs are not limited to those who initiate it. They are borne not only by the plaintiff but by the defendant, by the taxpayer, and by parties to other lawsuits in the same court." *Lumbert v. Ill. Dep't of Corr.*, 827 F.2d 257, 259 (7th Cir. 1987). Plaintiff brought suit in federal court, and Congress has seen fit to lay the financial cost of such a filing on him. 28 U.S.C. § 1920(1); *Lucien*, 141 F.3d at 775 ("Filing fees are part of the costs of litigation."). His motion (Doc. 84) is accordingly **DENIED**.

**IT IS SO ORDERED.**

**DATE:** February 19, 2014

s/ *Michael J. Reagan*  
**MICHAEL J. REAGAN**  
United States District Judge