

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH**

TIMOTHY D. ROUSE, JR.

PLAINTIFF

v.

CIVIL ACTION NO. 5:10CV-P116-R

JAY JONES *et al.*

DEFENDANTS

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's motion for payment of refunds and to prevent payment errors (DN 37).

Plaintiff asks the Court to direct the Clerk to refund payments that were withdrawn from his prison trust account and sent to the Court toward the payment of filing fees on December 12, 2011, in the amount of \$3.00, and on January 20, 2012, in the amount of \$1.44. He claims that the payments were collected when the amount in his prison trust account was under \$10.00, which is inconsistent with the Court's order directing that payments be made when the amount in his account exceeds \$10.00. Plaintiff states that payments were made by error in the "Inmate Accountant Program." In addition to seeking a refund from the Clerk, he seeks an order directing the Kentucky State Penitentiary not to collect payments in error.

In the caption of his motion, he lists three of his cases – 5:10CV-P116-R (the instant case); 5:08CV-P186-R; and 5:07CV-P183-R. Accordingly, the motion was filed in each of the three cases. Plaintiff admits that "[t]he case's in which these two payments were made in our unknown." In only one of the three cases, 5:08CV-P186-R, a response to Plaintiff's motion was filed by a Defendant, and Plaintiff replied.

Shortly thereafter, only in case 5:08CV-P186-R, Plaintiff filed a notice to withdraw the motion, advising that the issue had been resolved. Consequently, the motion for payment of refunds and to prevent payment errors was terminated in 5:08CV-P186-R.

The motion remains pending in the instant case and in 5:07CV-P183-R. Because Plaintiff initially indicated that he did not know in which of the three cases an accounting error was made and has since conceded that the accounting matter has been resolved, the Court concludes that the motion for payment of refunds and to prevent payment errors should be terminated in all cases.

IT IS THEREFORE ORDERED that the motion for payment of refunds and to prevent payment errors (DN 37) is **DENIED**.

Date:

cc: Plaintiff, *pro se*
Counsel of record
4413.005