

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JUSTIN ODELL LANGFORD,)	3:19-cv-00009-RCJ-WGC
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
vs.)	
)	November 18, 2021
JAMES DZURENDA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KAREN WALKER REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Plaintiff’s “Motion to Request Waiver of Filing Fees” (ECF No. 31). Plaintiff states that his case “did not proceed to mediation” and requests the court enter “an order waiving the \$350 filing fee and ordering the Nevada Department of Corrections to remove said \$350 filing fee from his account” (*Id.* at 2.)

On July 24, 2020, the court entered its screening order dismissing Plaintiff’s first amended complaint “in its entirety, with prejudice, as amendment would be futile.” The screening order also stated:

For the foregoing reasons, it is ordered that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) without having to prepay the full filing fee is **granted**. Plaintiff shall **not** be required to pay an initial installment fee. Nevertheless, the full filing fee shall still be due, pursuant to 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of fees or costs or the giving of security therefor. This order granting *in forma pauperis* status shall not extend to the issuance and/or service of subpoenas at government expense.

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It is further ordered that, pursuant to 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the Nevada Department of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's deposits to the account of **Justin Odell Langford, #1159546** (in months that the account exceeds \$10.00) until the full \$350 filing fee has been paid for this action. The Clerk of the Court shall send a copy of this order to the Finance Division of the Clerk's Office. The Clerk shall send a copy of this order to the attention of **Chief of Inmate Services for the Nevada Department of Prisons**, P.O. Box 7011, Carson City, NV 89702.

It is further ordered that, even if this action is dismissed, or is otherwise unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the Prison Litigation Reform Act.

(ECF No. 13 at 7, 8.)

Although the court is aware that this case was remanded by the Ninth Circuit and did not proceed to early mediation, the court has no mechanism to reimburse Plaintiff as the full filing fee must be paid pursuant to 28 U.S.C. § 1915(b)(2).

Plaintiff's "Motion to Request Waiver of Filing Fees" (ECF No. 31) is **DENIED**.

The parties should be aware of the following:

1. That they may file, pursuant to 28 U.S.C. §636 (b)(1)(A) and Rule IB 3-1 of the Local Rules of Practice, specific written objections to the court's order within fourteen (14) days after service of these minutes of proceedings. These objections should be titled "Objections to Magistrate Judge's Order" and should be accompanied by points and authorities for consideration by the District Court.
2. That this Order is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of the District Court's judgment.

IT IS SO ORDERED.

DEBRA K. KEMPI, CLERK
By: _____/s/_____
Deputy Clerk