

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROBERT RIVERA,

Plaintiff,

v.

JAMES CONWAY, et al.,

Defendants.

DECISION & ORDER

08-CV-6505L

On January 12, 2011, a stipulation and order of settlement and dismissal was entered in the above-captioned case. (Docket # 116). The *pro se* inmate plaintiff, who had been proceeding *in forma pauperis*, subsequently filed a motion seeking from this court a monetary award of \$350.00, the amount of the fee charged for filing a civil case. (Docket # 117). A review of the docket reveals that on July 7, 2011, the Clerk of the Court received a \$350.00 payment for the filing fee. An examination of the clerk's records reveals that the plaintiff's filing fee was paid by the Gowanda Correctional Facility.

28 U.S.C. § 1915 provides that a court may authorize a prisoner to proceed *in forma pauperis* in order to bring a civil action without prepayment of fees. 28 U.S.C. § 1915(a). Proceeding *in forma pauperis* does not waive the fee for prisoners, however. The statute provides that prisoners shall be required to pay the full amount of the filing fee, and sets forth a system for collecting periodic payments from the prisoner's trust fund account. 28 U.S.C. § 1915(b). This Court has uncovered no authority permitting it to waive payment of the civil filing

fee altogether for prisoners. The plaintiff having now paid the statutorily required fee, his motion for a monetary award (**Docket # 117**) is **DENIED**.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
February 29, 2012