

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:13-cv-55-RJC**

**JEREMEY JOHN WELLS,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 )  
 **AVERY COUNTY SHERIFF’S** )  
 **OFFICE,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**


**THIS MATTER** is before the Court on consideration of Plaintiff’s motion for an Order enjoining Mountain View Correctional Institution from withholding monies from his prisoner trust account and for a refund of any monies already withheld in connection with the payment of the filing fee in this matter. (Doc. No. 10). On February 28, 2013, Plaintiff filed a complaint against the defendant, pursuant to 42 U.S.C. § 1983. (Doc. No. 1). On April 10, 2013, the Clerk of Court entered an Order directing that the Mountain View Correctional Institution to withhold monies from Plaintiff’s prisoner trust account and to forward those funds to the Clerk of Court to be applied towards the payment of the filing fee in this matter. (Doc. No. 6).

On April 30, 2013, the Court conducted an initial review of Plaintiff’s complaint and concluded that Plaintiff had failed to exhaust his administrative remedies; the Court then dismissed Plaintiff’s complaint without prejudice. (Doc. No. 7). See 42 U.S.C. § 1997e(a). On May 8, 2013, Plaintiff filed the present motion. The Court notes that a prisoner filing a civil action “shall be required to pay the full amount of the filing fee” even though he may be allowed

to proceed without prepayment of the full filing fee. 28 U.S.C. § 1915(b). Plaintiff's civil action under § 1983 was dismissed by the Court, however, as provided for under § 1915(b), Plaintiff remains responsible for payment of the full amount of the filing fee, whether from his prisoner trust account or through other means. There is no indication that the full filing fee has been paid, therefore, the Clerk of Court's Order directing payments from funds available in Plaintiff's prisoner trust account will not be set aside.

**IT IS, THEREFORE, ORDERED** that Plaintiff's motion for an order discontinuing withholding of monies from Plaintiff's prisoner trust account and for a refund of monies already paid to the Clerk of Court is **DENIED**. (Doc. No. 10).

Signed: August 19, 2013

  
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Robert J. Conrad, Jr.  
United States District Judge

