

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:17-cv-168-FDW**

BOBBY RAY GRADY,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU SHORT ,))	
Defendant.)	
)	

THIS MATTER is before the Court on the pro se Plaintiff’s letter, (Doc. No. 12), that is construed as a motion requesting that the Court vacate the filing fee.¹

The Prison Litigation Reform Act (“PLRA”) provides that, “if a prisoner brings a civil action ... in forma pauperis, the prisoner shall be required to pay the full amount of the filing fee....” 28 U.S.C. § 1915(b)(1). Thus, the PLRA “makes prisoners responsible for their filing fees the moment the civil action or appeal is filed, ... [and] by filing the complaint or notice of appeal, the prisoner waives any objection to the fee assessment by the district court.” McGore v. Wrigglesworth, 114 F.3d 601, 605 (6th Cir. 1997) (citation omitted), overruled on other grounds by Jones v. Bock, 549 U.S. 199 (2007); see also Goins v. Decaro, 241 F.3d 260, 262 (2d Cir. 2001) (“we are not at liberty to read into the PLRA judicial authority to cancel remaining indebtedness for withdrawn appeals.”); Williams v. Roberts, 116 F.3d 1126, 1127 (5th Cir. 1997) (“the filing fee is to be assessed for the privilege of initiating an appeal, without regard to the subsequent disposition of the matter.”).

¹ This letter was also docketed in case number 5:17-cv-184-FDW.

Plaintiff is still required to pay the full filing fee even though he voluntarily dismissed this action, and therefore, his request to vacate the filing fee is denied. See McGore, 114 F.3d at 607; 28 U.S.C. § 1915(b)(1).

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to vacate the filing fee, (No. 12), is **DENIED**.
2. The Clerk is instructed mail Plaintiff a blank § 1983 form.

Signed: February 27, 2018



Frank D. Whitney
Chief United States District Judge

