

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:17-cv-184-FDW**

BOBBY RAY GRADY,)
)
 Plaintiff,)
)
 vs.)
)
 SCOTT S. HARRIS,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on Plaintiff’s “Motion to Compel,” (Doc. No. 17).

Pro se Plaintiff is a prisoner in the custody of the North Carolina Department of Public Safety (NCDPS) at the Maury Correctional Institution. Plaintiff filed this action pursuant to the Federal Tort Claims Act, (Doc. No. 1), and filed an Application to proceed without prepaying the filing fee (Doc. No. 2). The Court granted the Application and entered an Order establishing a debt in the amount of the \$350 filing fee and directing the correctional facility to transmit monthly payments until the fee is paid in full. (Doc. No. 9). On November 19, 2020, the Court received a cashier’s check that satisfied the \$350 filing fee. (Doc. No. 15).

In his “Motion to Compel,” Petitioner asks the Court to vacate the Order establishing a debt and to reimburse him for any overpayment of the filing fee. Petitioner’s Motion will be granted.

IT IS, THEREFORE, ORDERED that:


1. Petitioner’s “Motion to Compel,” (Doc. No. 17), is construed as a Motion to vacate the Order establishing a debt and is **GRANTED**.

2. The Order waiving the initial partial filing fee and directing monthly payments from Plaintiff's inmate account, (Doc. No. 6), is **VACATED**.

3. The Clerk of Court's Financial Department is instructed to reimburse Plaintiff for an overpayment of funds that have been collected for the payment of his filing fee in this case, if any.

4. The Clerk is respectfully instructed to mail a copy of this Order to the Maury Correctional Institution and to NCDPS Division of Prisons, 4260 Mail Service Center, Raleigh, NC 27699-4260, so that withdrawals from Plaintiff's inmate account for this case can be terminated.

Signed: March 31, 2021


Frank D. Whitney
United States District Judge

