

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**

APR 15 2014

 CLEFFIE

ROD HOLZER, ) Civ. 00-4197  
Plaintiff, )  
vs. )  
DOUG WEBER, Warden; ) ORDER DENYING M  
JEFF BLOOMBERG, Secretary of ) WAIVE REMAINDER  
Corrections; and ) FILING F  
WILLIAM JANKLOW, Governor, )  
Defendants. )

Plaintiff, Rod Holzer, is an inmate at the South Dakota State Penitentiary in Sioux Falls, South Dakota. On October 27, 2000, Holzer filed a pro se civil rights lawsuit pursuant to 42 U.S.C. § 1983 and requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Dockets 1, 4. The Court granted Holzer's motion to proceed in forma pauperis, but later dismissed Holzer's case with prejudice for failure to state a claim upon which relief may be granted. Dockets 6, 7, 8. Holzer now requests that the Court waive the remainder of the filing fee associated with this action.<sup>1</sup> Dockets 9, 10.

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner who proceeds in forma pauperis is required to pay the full amount of a filing fee. This responsibility remains even if the case is dismissed at some later time. *See In re Tyler*, 110 F.3d 528, 529–30 (8th Cir. 1997). The Court notified Holzer of this ongoing obligation when it granted him in forma pauperis status:

IT IS ORDERED: . . . (3) That the institution having custody of the plaintiff is hereby directed that whenever the amount in plaintiff's trust account exceeds \$10.00, monthly payments that equal 20% of the funds credited the preceding month to the plaintiff's trust account shall be forwarded to the U.S. District Court Clerk's office pursuant to 28 U.S.C. § 1915(b)(2), **until the filing fee is paid in full.**

<sup>1</sup> As of the date of this Order, Holzer's outstanding balance is \$29.84.

Docket 6 at 2 (emphasis added). Accordingly, it is

ORDERED that Holzer's motions to waive the remainder of the PLRA filing fee associated with this action (Dockets 9, 10) are denied.

Dated this 15 day of April, 2014.

BY THE COURT:



LAWRENCE L. PIERSOL  
UNITED STATES DISTRICT JUDGE

ATTEST:

JOSEPH HAAS, CLERK

BY: Deb Pelet

DEPUTY