

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**

APR 15 2014

 CLERK

ROD HOLZER,	)	Civ. 00-4197
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	ORDER DENYING MOTIONS TO
DOUG WEBER, Warden;	)	WAIVE REMAINDER OF PLRA
JEFF BLOOMBERG, Secretary of	)	FILING FEE
Corrections; and	)	
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.**

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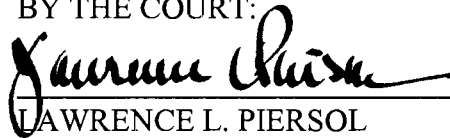
<sup>1</sup> As of the date of this Order, Holzer's outstanding balance is \$29.84.

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<sup>th</sup> day of April, 2014.

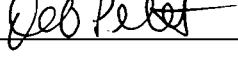
BY THE COURT:



LAWRENCE L. PIERSOL  
UNITED STATES DISTRICT JUDGE

ATTEST:

JOSEPH HAAS, CLERK

BY:  \_\_\_\_\_  
DEPUTY