Shelton v. Leon et al Doc. 56

UNITED STATES DISTRICT COURT	EASTERN DISTRICT OF TEXAS
MONTY SHELTON,	
Plaintiff,	8 8 8
versus	§ CIVIL ACTION NO. 1:06-CV-344
UNIT COUNSELOR LEON, et al.,	8 8 8
Defendants.	\$ §

MEMORANDUM OPINION AND ORDER

Plaintiff Monty Shelton, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought the above-styled action.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge ordered the payment of an initial partial filing fee and the collection of the remainder of the \$450 appellate filing fee in installments, in accordance with 28 U.S.C. § 1915.

Plaintiff has filed a motion for reconsideration of the order concerning collection of the appellate filing fee (#51). This memorandum opinion considers such motion.

Analysis

In accordance with 28 U.S.C. § 636(b)(1)(A), a judge of the court may reconsider any pretrial matter referred to a magistrate judge under subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

The filing fee for appeal is \$455. The method of collection ordered in this case is in accordance with the relevant statute, 28 U.S.C. § 1915. The appellant is required to pay the full amount of the filing fee if he files an appeal. *Williams v. Roberts*, 116 F.3d 1126, 1128 (5th Cir. 1997). "[T]he fee is assessed at the time of filing, regardless of whether the appeal is later dismissed." *Id.* Thus, plaintiff remains responsible for the payment of the full \$455 appellate filing fee.

After careful consideration, the court is of the opinion that plaintiff's objections lack merit and should be overruled. The court finds the order of the magistrate judge neither clearly erroneous nor contrary to law.

ORDER

For the reasons set forth above, plaintiff's motion for reconsideration should be denied. It is therefore

ORDERED that plaintiff's motion for reconsideration is **DENIED**.

SIGNED at Beaumont, Texas, this 6th day of February, 2010.

Marcia A. Crone.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE