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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 ROBERT E. JOHNSON;

11 Plaintiff,

12 v.

13 STEVEN SAGER, et al.,

14 Defendants.

Case No. C11-1117-RSM

ORDER RE: ORDER TO SHOW CAUSE

15 This matter comes before the Court *sua sponte*. On February 12, 2016, the Ninth  
16 Circuit awarded costs on appeal to Plaintiff Robert E. Johnson. Dkt. #67 at 6. On November 7,  
17 2016, Plaintiff wrote to this Court indicating he has yet to receive the filing fee he paid, in the  
18 amount of \$455.00, from Defendants. Dkt. #126. Plaintiff stated that the “DOC has not been  
19 notified” and continues to deduct money from Plaintiff’s prison account, presumably to pay the  
20 appeal filing fee. *Id.* The Court received no further update from the parties until it ordered a  
21 response from Defendants on January 18, 2017. *See* Dkt. #128.  
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24 In Response to the Court’s Order to Show Cause, Defendants state that the costs  
25 awarded by the Ninth Circuit on February 12, 2016, have already been paid. Dkt. #129 at 2  
26 (citing Dkt. #130-1 at 9-17). Defendants argue that Plaintiff has requested additional costs,  
27 filing a motion seeking \$306.10 and later requesting \$455. Defendants admit that the Court has  
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ORDER RE: ORDER TO SHOW CAUSE - 1

1 already indicated that Mr. Johnson should get these additional costs, but argue that because no  
2 order was issued it was not possible to make payment. Defendants argue that interest on this  
3 amount should not be awarded as a sanction because they acted in good faith.

4           Given the particular circumstances of this case, the Court finds that additional costs in  
5 the amount of \$455 should be awarded to Plaintiff and paid by Defendants without interest.  
6 Defendants were certainly on notice from Plaintiff and this Court that these additional costs  
7 were due, yet failed to object to the award of these costs at any time and even now essentially  
8 concede that these costs should be awarded. *See* Dkt. #129. The Court agrees with Defendants  
9 that an award of interest on this amount is unnecessary.  
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11           The Court hereby finds and ORDERS that Defendants shall pay a costs award of  
12 \$455.00 to Plaintiff no later than **fourteen (14) days** from the date of this Order. The Court  
13 directs the Clerk to send a copy of this Order to Plaintiff at: Robert E. Johnson, #126696,  
14 Coyote Ridge Correction Center, P.O. Box 769, Connell, WA 99326.  
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18           DATED this 23 day of January, 2017.

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RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE