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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

DAWID HALISI MALIK f/k/a DAVID W.  
RIGGINS,

Plaintiff,

v.

DAN PACHOLKE, TAMMY GWIN, C.  
WHALEY, V. JOHANSEN, STEVE  
RAMSEY, GREG JONES, and JOHN  
SCOTT,

Defendants.

NO. C10-5147BHS/KLS

ORDER DIRECTING CLERK TO  
RETURN FILING FEE

13 Before the court is Plaintiff's motion for the return of overpaid filing fee. Dkt. 21.

14 Plaintiff states that the amount of \$40.00 was inadvertently sent to the District Clerk's office  
15 on June 18, 2010 and on June 23, 2010 by the account office at the Stafford Creek Corrections  
16 Center for payment of the filing fees in this case. *Id.* However, on June 6, 2010, the amount of  
17 \$350.00 was sent to the District Clerk from his mandatory spending account in full payment of  
18 the filing fee in this case and the \$40.00 should not have been deducted from Plaintiff's  
19 spendable account. *Id.*

20  
21 Defendant acknowledge that Plaintiff has overpaid the filing fee and, in fact, state that  
22 the overpayment is now \$60.00. Dkt. 25. Department records show the filing fee of \$350.00  
23 was transmitted to the court on or about June 7, 2010. Due to an error, \$20.00 was deducted  
24 from Plaintiff's account, and transmitted to the court as payment of the filing fee, on each of  
25 the three following dates: June 18, 2010, June 23, 2010 and July 19, 2010. *Id.*  
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1 Accordingly, it is **ORDERED:**

2 (1) Plaintiff's motion for return of the overpayment of his filing fee (Dkt. 21) is  
3 **GRANTED.** The Clerk of the Court is directed to send to Plaintiff a check in the amount of  
4 \$60.00. Defendants are directed to advise the DOC that the debt for this filing fee has been  
5 satisfied and that no further deductions from Plaintiff's accounts should be made for this  
6 lawsuit.  
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8 (2) The Clerk shall send copies of this Order to Plaintiff and counsel for  
9 Defendants.

10 DATED this 2nd day of September, 2010.

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13 Karen L. Strombom  
14 United States Magistrate Judge  
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